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THE WORKS

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THE WORKS

OF

HENRY FIELDING ESQ.

EDITED

WITH A BIOGRAPHICAL ESSAY

BY

LESLIE STEPHEN

IN TEN VOLUMES

VOL. VII

LONDON
SMITH, ELDER, & CO., 15, WATERLOO PLACE
1882

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A VOYAGE TO LISBON

LEGAL PAPERS

AND

POEMS

BY

HENRY FIELDING, Esq.

LONDON
SMITH, ELDER, & CO., 15, WATERLOO PLACE
1882

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THE JOURNAL

OF

A VOYAGE TO LISBON

BY THE LATE

HENRY FIELDING, Esq.

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DEDICATION TO THE PUBLIC

YOUR candour is desired on the perusal of the following sheets, as they are the product of a genius that has long been your delight and entertainment. It must be acknowledged, that a lamp almost burnt out, does not give so steady and uniform a light as when it blazes in its full vigour; but yet it is well known that by its wavering, as if struggling against its own dissolution, it sometimes darts a ray as bright as ever. In like manner, a strong and lively genius will, in its last struggles, sometimes mount aloft, and throw forth the most striking marks of its original lustre.

Wherever these are to be found, do you, the genuine patrons of extraordinary capacities, be as liberal in your applauses of him who is now no more, as you were of him whilst he was yet amongst you. And, on the other hand, if in this little work there should appear any traces of a weakened and decayed life, let your imaginations place before your eyes a true picture in that of a hand trembling in almost its latest hour, of a body emaciated with pains, yet struggling for your entertainment; and let this affecting picture open each tender heart, and call forth a melting tear, to blot out whatever failings may be found in a work begun in pain, and finished almost at the same period with life.

It was thought proper, by the friends of the deceased, that this little piece should come into your hands as it came from the hands of the author; it being judged that you would be better pleased to have an opportunity of observing the faintest traces of a genius you have long admired, than

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have it patched by a different hand; by which means the marks of its true author might have been effaced.

That the success of the last written, though first published, volume of the author's posthumous pieces may be attended with some convenience to those innocents he hath left behind, will, no doubt, be a motive to encourage its circulation through the kingdom, which will engage every future genius to exert itself for your pleasure.

The principles and spirit which breathe in every line of the small fragment begun in answer to Lord Bolingbroke will unquestionably be a sufficient apology for its publication, although vital strength was wanting to finish a work so happily begun and so well designed.

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PREFACE

THERE would not, perhaps, be a more pleasant or profitable study, among those which have their principal end in amusement, than that of travels or voyages, if they were writ, as they might be, and ought to be, with a joint view to the entertainment and information of mankind. If the conversation of travellers be so eagerly sought after as it is, we may believe their books will be still more agreeable company, as they will in general be more instructive and more entertaining.

But when I say the conversation of travellers is usually so welcome, I must be understood to mean that only of such as have had good sense enough to apply their peregrinations to a proper use, so as to acquire from them a real and valuable knowledge of men and things; both which are best known by comparison. If the customs and manners of men were every where the same, there would be no office so dull as that of a traveller; for the difference of hills, valleys, rivers; in short, the various views in which we may see the face of the earth, would scarce afford him a pleasure worthy of his labour; and, surely, it would give him very little opportunity of communicating any kind of entertainment or improvement to others.

To make a traveller an agreeable companion to a man of sense, it is necessary, not only that he should have seen much, but that he should have overlooked much of what he hath seen. Nature is not, any more than a great genius, always admirable in her productions, and therefore the

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traveller, who may be called her commentator, should not expect to find every where subjects worthy of his notice.

It is certain, indeed, that one may be guilty of omission, as well as of the opposite extreme; but a fault on that side will be more easily pardoned, as it is better to be hungry than surfeited; and to miss your dessert at the table of a man whose gardens abound with the choicest fruits, than to have your taste affronted with every sort of trash that can be picked up at the green-stall or the wheelbarrow.

If we should carry on the analogy between the traveller and the commentator, it is impossible to keep one's eye a moment off from the laborious much-read Doctor Zachary Grey, of whose redundant notes on Hudibras I shall only say, that it is, I am confident, the single book extant in which above five hundred authors are quoted, not one of which could be found in the collection of the late Doctor Mead.

As there are few things which a traveller is to record, there are fewer on which he is to offer his observations: this is the office of the reader; and it is so pleasant a one, that he seldom chooses to have it taken from him, under the pretence of lending him assistance. Some occasions, indeed, there are, when proper observations are pertinent, and others when they are necessary; but good sense alone must point them out. I shall lay down only one general rule; which I believe to be of universal truth between relater and hearer, as it is between author and reader; this is, that the latter never forgive any observation of the former which doth not convey some knowledge that they are sensible they could not possibly have attained of themselves.

But all his pains in collecting knowledge, all his judgment in selecting, and all his art in communicating it, will not suffice, unless he can make himself, in some degree, an agreeable as well as an instructive companion. The highest instruction we can derive from the tedious tale of a dull fellow scarce ever pays us for our attention. There is nothing, I think, half so valuable as knowledge, and yet there is nothing which men will give themselves so little

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trouble to attain; unless it be, perhaps, that lowest degree of it which is the object of curiosity, and which hath therefore that active passion constantly employed in its service. This, indeed, it is in the power of every traveller to gratify; but it is the leading principle in weak minds only.

To render his relation agreeable to the man of sense, it is therefore necessary, that the voyager should possess several eminent and rare talents; so rare, indeed, that it is almost wonderful to see them ever united in the same person.

And if all these talents must concur in the relater, they are certainly in a more eminent degree necessary to the writer; for here the narration admits of higher ornaments of style, and every fact and sentiment offers itself to the fullest and most deliberate examination.

It would appear, therefore, I think, somewhat strange, if such writers as these should be found extremely common; since Nature hath been a most parsimonious distributor of her richest talents, and hath seldom bestowed many on the same person. But, on the other hand, why there should scarce exist a single writer of this kind worthy our regard; and, whilst there is no other branch of history (for this is history) which hath not exercised the greatest pens, why this alone should be overlooked by all men of great genius and erudition, and delivered up to the Goths and Vandals as their lawful property, is altogether as difficult to determine.

And yet that this is the case, with some very few exceptions, is most manifest. Of these I shall willingly admit Burnet and Addison; if the former was not perhaps to be considered as a political essayist, and the latter as a commentator on the classics, rather than as a writer of travels; which last title, perhaps, they would both of them have been least ambitious to affect.

Indeed, if these two, and two or three more, should be removed from the mass, there would remain such a heap of dulness behind, that the appellation of voyage-writer would not appear very desirable.

I am not here unapprised, that old Homer himself is by

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some considered as a voyage-writer; and, indeed, the beginning of his Odyssey may be urged to countenance that opinion, which I shall not controvert. But whatever species of writing the Odyssey is of, it is surely at the head of that species, as much as the Iliad is of another; and so far the excellent Longinus would allow, I believe, at this day.

But, in reality, the Odyssey, the Telemachus, and all of that kind, are to the voyage-writing I here intend, what romance is to true history, the former being the confounder and corrupter of the latter. I am far from supposing that Homer, Hesiod, and the other ancient poets and mythologists, had any settled design to pervert and confuse the records of antiquity; but it is certain they have effected it; and, for my part, I must confess, I should have honoured and loved Homer more had he written a true history of his own times in humble prose than those noble poems that have so justly collected the praise of all ages; for, though I read these with more admiration and astonishment, I still read Herodotus, Thucydides, and Xenophon, with more amusement and more satisfaction.

The original poets were not, however, without excuse. They found the limits of nature too strait for the immensity of their genius, which they had not room to exert without extending fact by fiction; and that especially at a time when the manners of men were too simple to afford that variety which they have since offered in vain to the choice of the meanest writers. In doing this they are again excusable for the manner in which they have done it.

"*Ut speciosa dehinc miracula promant.*"

They are not, indeed, so properly said to turn reality into fiction, as fiction into reality. Their paintings are so bold, their colours so strong, that every thing they touch seems to exist in the very manner they represent it; their portraits are so just, and their landscapes so beautiful, that we

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acknowledge the strokes of nature in both, without inquiring whether nature herself, or her journeyman the poet, formed the first pattern of the piece.

But other writers (I will put Pliny at their head) have no such pretensions to indulgence; they lie for lying sake, or in order insolently to impose the most monstrous improbabilities and absurdities upon their readers on their own authority; treating them as some fathers treat children, and as other fathers do laymen, exacting their belief of whatever they relate, on no other foundation than their own authority, without ever taking the pains of adapting their lies to human credulity, and of calculating them for the meridian of a common understanding; but with as much weakness as wickedness, and with more impudence often than either, they assert facts contrary to the honour of God, to the visible order of the creation, to the known laws of nature, to the histories of former ages, and to the experience of our own, and which no man can at once understand and believe.

If it should be objected (and it can no where be objected better than where I now write,[1] as there is no where more pomp of bigotry) that whole nations have been firm believers in the most absurd suppositions; I reply, the fact is not true. They have known nothing of the matter, and have believed they knew not what. It is, indeed, with me no matter of doubt, but that the pope and his clergy might teach any of those Christian heterodoxies, the tenets of which are the most diametrically opposite to their own; nay, all the doctrines of Zoroaster, Confucius, and Mahomet, not only with certain and immediate success, but without one Catholic in a thousand knowing he had changed his religion.

What motive a man can have to sit down, and to draw forth a list of stupid, senseless, incredible lies upon paper, would be difficult to determine, did not vanity present herself so immediately as the adequate cause. The vanity of knowing more than other men is, perhaps, besides hunger, the only inducement to writing, at least to publishing, at all. Why then should not the voyage-writer be inflamed with the

[1] At Lisbon.

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glory of having seen what no man ever did or will see but himself? This is the true source of the wonderful in the discourse and writings, and sometimes, I believe, in the actions of men. There is another fault, of a kind directly opposite to this, to which these writers are sometimes liable, when, instead of filling their pages with monsters which nobody hath ever seen, and with adventures which never have, nor could possibly have happened to them, waste their time and paper with recording things and facts of so common a kind, that they challenge no other right of being remembered than as they had the honour of having happened to the author, to whom nothing seems trivial that in any manner happens to himself. Of such consequence do his own actions appear to one of this kind, that he would probably think himself guilty of infidelity should he omit the minutest thing in the detail of his journal. That the fact is true is sufficient to give it place there, without any consideration whether it is capable of pleasing or surprising, of diverting or informing, the reader.

I have seen a play (if I mistake not it is one of Mrs. Behn's or of Mrs. Centlivre's) where this vice in a voyage-writer is finely ridiculed. An ignorant pedant to whose government, for I know not what reason, the conduct of a young nobleman in his travels is committed, and is sent abroad to show my lord the world, of which he knows nothing himself, before his departure from a town calls for his journal to record the goodness of the wine and tobacco, with other articles of the same importance, which are to furnish the materials of a voyage at his return home. The humour, it is true, is here carried very far; and yet, perhaps, very little beyond what is to be found in writers who profess no intention of dealing in humour at all.

Of one or other, or of both these kinds are, I conceive, all that vast pile of books which pass under the names of voyages, travels, adventures, lives, memoirs, histories, &c. some of which a single traveller sends into the world in many volumes, and others are, by judicious booksellers, collected into vast bodies in folio, and inscribed with their

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own names, as if they were indeed their own travels; thus unjustly attributing to themselves the merit of others.

Now from both these faults we have endeavoured to steer clear in the following narrative; which, however the contrary may be insinuated by ignorant, unlearned, and fresh-water critics, who have never travelled either in books or ships, I do solemnly declare doth, in my own impartial opinion, deviate less from truth than any other voyage extant; my Lord Anson's alone being, perhaps, excepted.

Some few embellishments must be allowed to every historian; for we are not to conceive that the speeches in Livy, Sallust, or Thucydides, were literally spoken in the very words in which we now read them. It is sufficient that every fact hath its foundation in truth, as I do seriously aver is the case in the ensuing pages; and when it is so, a good critic will be so far from denying all kind of ornament of style or diction, or even of circumstance, to his author, that he would be rather sorry if he omitted it; for he could hence derive no other advantage than the loss of an additional pleasure in the perusal.

Again, if any merely common incident should appear in this journal, which will seldom I apprehend be the case, the candid reader will easily perceive it is not introduced for its own sake, but for some observations and reflections naturally resulting from it; and which, if but little to his amusement tend directly to the instruction of the reader or to the information of the public; to whom, if I choose to convey such instruction or information with an air of joke and laughter, none but the dullest of fellows will, I believe, censure it; but if they should, I have the authority of more than one passage in Horace to allege in my defence.

Having thus endeavoured to obviate some censures, to which a man without the gift of foresight, or any fear of the imputation of being a conjurer, might conceive this work would be liable, I might now undertake a more pleasing task, and fall at once to the direct and positive praises of the work itself; of which, indeed, I could say a thousand good things; but the task is so very pleasant that I shall

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leave it wholly to the reader, and it is all the task that I impose on him. A moderation for which he may think himself obliged to me, when he compares it with the conduct of authors, who often fill a whole sheet with their own praises, to which they sometimes set their own real names, and sometimes a fictitious one. One hint, however, I must give the kind reader: which is, that if he should be able to find no sort of amusement in the book, he will be pleased to remember the public utility which will arise from it. If entertainment, as Mr. Richardson observes, be but a secondary consideration in a romance; with which Mr. Addison, I think, agrees, affirming the use of the pastry-cook to be the first; if this, I say, be true of a mere work of invention, sure it may well be so considered in a work founded, like this, on truth; and where the political reflections form so distinguishing a part.

But perhaps I may hear, from some critic of the most saturnine complexion, that my vanity must have made a horrid dupe of my judgment, if it hath flattered me with an expectation of having anything here seen in a grave light, or of conveying any useful instruction to the public, or to their guardians. I answer with the great man whom I just now quoted, that my purpose is to convey instruction in the vehicle of entertainment; and so to bring about at once, like the revolution in the Rehearsal, a perfect reformation of the laws relating to our maritime affairs: an undertaking I will not say more modest, but surely more feasible, than that of reforming a whole people, by making use of a vehicular story, to wheel in among them worse manners than their own.

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INTRODUCTION

IN the beginning of August, 1753, when I had taken the Duke of Portland's medicine, as it is called, near a year, the effects of which had been the carrying off the symptoms of a lingering imperfect gout, I was persuaded by Mr. Ranby, the king's premier serjeant-surgeon, and the ablest advice, I believe, in all branches of the physical profession, to go immediately to Bath. I accordingly writ that very night to Mrs. Bowden, who, by the next post, informed me she had taken me a lodging for a month certain.

Within a few days after this, whilst I was preparing for my journey, and when I was almost fatigued to death with several long examinations, relating to five different murders, all committed within the space of a week, by different gangs of street-robbers, I received a message from His Grace the Duke of Newcastle, by Mr. Carrington, the king's messenger, to attend his grace the next morning, in Lincoln's-inn-fields, upon some business of importance; but I excused myself from complying with the message, as, besides being lame, I was very ill with the great fatigues I had lately undergone, added to my distemper.

His grace, however, sent Mr. Carrington, the very next morning, with another summons; with which, though in the utmost distress, I immediately complied; but the duke happening, unfortunately for me, to be then particularly engaged, after I had waited some time, sent a gentleman to discourse with me on the best plan which could be invented for putting an immediate end to those murders and

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robberies which were every day committed in the streets; upon which I promised to transmit my opinion, in writing, to his grace, who, as the gentleman informed me, intended to lay it before the Privy Council.

Though this visit cost me a severe cold, I, notwithstanding, set myself down to work; and in about four days sent the duke as regular a plan as I could form, with all the reasons and arguments I could bring to support it, drawn out in several sheets of paper; and soon received a message from the duke by Mr. Carrington, acquainting me, that my plan was highly approved of, and that all the terms of it would be complied with.

The principal and most material of those terms, was the immediately depositing six hundred pounds in my hands; at which small charge I undertook to demolish the then reigning gangs, and to put the civil policy into such order, that no such gangs should ever be able, for the future, to form themselves into bodies, or at least to remain any time formidable to the public.

I had delayed my Bath journey for some time, contrary to the repeated advice of my physical acquaintance, and to the ardent desire of my warmest friends, though my distemper was now turned to a deep jaundice; in which case the Bath waters are generally reputed to be almost infallible. But I had the most eager desire of demolishing this gang of villains and cut-throats, which I was sure of accomplishing the moment I was enabled to pay a fellow who had undertaken, for a small sum, to betray them into the hands of a set of thief-takers whom I had enlisted into the service, all men of known and approved fidelity and intrepidity.

After some weeks the money was paid at the treasury, and within a few days after two hundred pounds of it had come to my hands, the whole gang of cut-throats was entirely dispersed, seven of them were in actual custody, and the rest driven, some out of the town, and others out of the kingdom.

Though my health was now reduced to the last extremity, I continued to act with the utmost vigour against these

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villains; in examining whom, and in taking the depositions against them, I have often spent whole days, nay, sometimes whole nights, especially when there was any difficulty in procuring sufficient evidence to convict them; which is a very common case in street-robberies, even when the guilt of the party is sufficiently apparent to satisfy the most tender conscience. But courts of justice know nothing of a cause more than what is told them on oath by a witness; and the most flagitious villain upon earth is tried in the same manner as a man of the best character who is accused of the same crime.

Meanwhile, amidst all my fatigues and distresses, I had the satisfaction to find my endeavours had been attended with such success that this hellish society were almost utterly extirpated, and that, instead of reading of murders and street-robberies in the news almost every morning, there was, in the remaining part of the month of November, and in all December, not only no such thing as a murder, but not even a street robbery committed. Some such, indeed, were mentioned in the public papers; but they were all found, on the strictest inquiry, to be false.

In this entire freedom from street-robberies, during the dark months, no man will, I believe, scruple to acknowledge, that the winter of 1753 stands unrivalled, during a course of many years; and this may possibly appear the more extraordinary to those who recollect the outrages with which it began.

Having thus fully accomplished my undertaking, I went into the country, in a very weak and deplorable condition, with no fewer or less diseases than a jaundice, a dropsy, and an asthma, altogether uniting their forces in the destruction of a body so entirely emaciated that it had lost all its muscular flesh.

Mine was now no longer what is called a Bath case; nor, if it had been so, had I strength remaining sufficient to go thither, a ride of six miles only being attended with an intolerable fatigue. I now discharged my lodgings at Bath, which I had hitherto kept. I began, in earnest, to look on

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my case as desperate, and I had vanity enough to rank myself with those heroes who, of old times, became voluntary sacrifices to the good of the public.

But, lest the reader should be too eager to catch at the word *vanity*, and should be unwilling to indulge me with so sublime a gratification, for I think he is not too apt to gratify me, I will take my key a pitch lower, and will frankly own that I had a stronger motive than the love of the public to push me on: I will therefore confess to him, that my private affairs at the beginning of the winter had but a gloomy aspect; for I had not plundered the public or the poor of those sums which men, who are always ready to plunder both as much as they can, have been pleased to suspect me of taking: on the contrary, by composing, instead of inflaming, the quarrels of porters and beggars (which I blush when I say hath not been universally practised), and by refusing to take a shilling from a man who most undoubtedly would not have had another left, I had reduced an income of about five hundred pounds[1] a year of the

[1] A predecessor of mine used to boast that he made one thousand pounds a year in his office; but how he did this (if indeed he did it) is to me a secret. His clerk, now mine, told me I had more business than he had ever known there; I am sure I had as much as any man could do. The truth is, the fees are so very low, when any are due, and so much is done for nothing, that if a single justice of peace had business enough to employ twenty clerks, neither he nor they would get much by their labour. The public will not, therefore, I hope, think I betray a secret when I inform them, that I received from the Government a yearly pension out of the public service-money; which, I believe, indeed, would have been larger, had my great patron been convinced of an error, which I have heard him utter more than once, That he could not indeed say, that the acting as a principal justice of peace in Westminster was on all accounts very desirable, but that all the world knew it was a very lucrative office. Now to have shown him plainly that a man must be a rogue to make a very little this way, and that he could not make much by being as great a rogue as he could be, would have required more confidence than, I believe, he had in me, and more of his conversation than he chose to allow me; I therefore resigned the office and the farther execution of my plan to my brother, who had long been my assistant. And now, lest the case between me and the reader should be the same in both instances as it was between me and the great man, I will not add another word on the subject.

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dirtiest money upon earth, to little more than three hundred pounds; a considerable proportion of which remained with my clerk; and, indeed, if the whole had done so, as it ought, he would be but ill paid for sitting almost sixteen hours in the twenty-four in the most unwholesome, as well as nauseous, air in the universe, and which hath in his case corrupted a good constitution without contaminating his morals.

But, not to trouble the reader with anecdotes, contrary to my own rule laid down in my preface, I assure him I thought my family was very slenderly provided for; and that my health began to decline so fast that I had very little more of life left to accomplish what I had thought of too late. I rejoiced therefore greatly in seeing an opportunity, as I apprehended, of gaining such merit in the eye of the public, that if my life were the sacrifice to it, my friends might think they did a popular act in putting my family at least beyond the reach of necessity, which I myself began to despair of doing. And though I disclaim all pretence to that Spartan or Roman patriotism, which loved the public so well that it was always ready to become a voluntary sacrifice to the public good, I do solemnly declare I have that love for my family.

After this confession therefore, that the public was not the principal deity to which my life was offered a sacrifice, and when it is farther considered what a poor sacrifice this was, being indeed no other than the giving up what I saw little likelihood of being able to hold much longer, and which, upon the terms I held it, nothing but the weakness of human nature could represent to me as worth holding at all; the world may, I believe, without envy, allow me all the praise to which I have any title.

My aim, in fact, was not praise, which is the last gift they care to bestow; at least, this was not my aim as an end, but rather as a means, of purchasing some moderate provision for my family, which, though it should exceed my merit, must fall infinitely short of my service, if I succeeded in my attempt.

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To say the truth, the public never act more wisely, than when they act most liberally in the distribution of their rewards; and here the good they receive is often more to be considered, than the motive from which they receive it. Example alone is the end of all public punishments and rewards. Laws never inflict disgrace in resentment, nor confer honour from gratitude. For it is very hard, my lord, said a convicted felon at the bar to the late excellent Judge Burnet, to hang a poor man for stealing a horse. You are not to be hanged, sir, answered my ever honoured and beloved friend, for stealing a horse, but you are to be hanged that horses may not be stolen. In like manner it might have been said to the late Duke of Marlborough, when the parliament was so deservedly liberal to him, after the battle of Blenheim, You receive not these honours and bounties on account of a victory past, but that other victories may be obtained.

I was now, in the opinion of all men, dying of a complication of disorders; and, were I desirous of playing the advocate, I have an occasion fair enough; but I disdain such an attempt. I relate facts plainly and simply as they are; and let the world draw from them what conclusions they please, taking with them the following facts for their instruction: The one is, that the proclamation offering one hundred pounds for the apprehending felons for certain felonies committed in certain places, which I prevented from being revived, had formerly cost the Government several thousand pounds within a single year. Secondly, that all such proclamations, instead of curing the evil, had actually increased it; had multiplied the number of robberies; had propagated the worst and wickedest of perjuries; had laid snares for youth and ignorance; which, by the temptation of these rewards, had been sometimes drawn into guilt; and sometimes, which cannot be thought on without the highest horror, had destroyed them without it. Thirdly, that my plan had not put the Government to more than three hundred pounds expense, and had produced none of the ill consequences above-mentioned; but lastly, had actually

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suppressed the evil for a time, and had plainly pointed out the means of suppressing it for ever. This I would myself have undertaken, had my health permitted, at the annual expense of the above-mentioned sum.

After having stood the terrible six weeks which succeeded last Christmas, and put a lucky end, if they had known their own interests, to such numbers of aged and infirm valetudinarians, who might have gasped through two or three mild winters more, I returned to town in February, in a condition less despaired of by myself than by any of my friends. I now became the patient of Dr. Ward, who wished I had taken his advice earlier.

By his advice I was tapped, and fourteen quarts of water drawn from my belly. The sudden relaxation which this caused, added to my enervate, emaciated habit of body, so weakened me, that within two days I was thought to be falling into the agonies of death.

I was at the worst on that memorable day when the public lost Mr. Pelham. From that day I began slowly, as it were, to draw my feet out of the grave; till in two months' time I had again acquired some little degree of strength; but was again full of water.

During this whole time, I took Mr. Ward's medicines which had seldom any perceptible operation. Those in particular of the diaphoretic kind, the working of which is thought to require a great strength of constitution to support, had so little effect on me, that Mr. Ward declared it was as vain to attempt sweating me as a deal board.

In this situation I was tapped a second time. I had one quart of water less taken from me now than before; but I bore all the consequences of the operation much better. This I attributed greatly to a dose of laudanum prescribed by my surgeon. It first gave me the most delicious flow of spirits, and afterwards as comfortable a nap.

The month of May, which was now begun, it seemed reasonable to expect would introduce the spring, and drive off that winter which yet maintained its footing on the stage. I resolved therefore to visit a little house of mine in the

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country, which stands at Ealing, in the county of Middlesex, in the best air, I believe, in the whole kingdom, and far superior to that of Kensington Gravel-pits; for the gravel is here much wider and deeper, the place higher and more open towards the south, whilst it is guarded from the north wind by a ridge of hills, and from the smells and smoke of London by its distance; which last is not the fate of Kensington, when the wind blows from any corner of the east.

Obligations to Mr. Ward I shall always confess; for I am convinced that he omitted no care in endeavouring to serve me, without any expectation or desire of fee or reward.

The powers of Mr. Ward's remedies want indeed no unfair puffs of mine to give them credit; and though this distemper of the dropsy stands, I believe, first in the list of those over which he is always certain of triumphing; yet, possibly, there might be something particular in my case, capable of eluding that radical force which had healed so many thousands. The same distemper, in different constitutions, may possibly be attended with such different symptoms, that to find an infallible nostrum for the curing any one distemper in every patient, may be almost as difficult as to find a panacea for the cure of all.

But even such a panacea one of the greatest scholars and best of men did lately apprehend he had discovered. It is true, indeed, he was no physician; that is, he had not by the forms of his education acquired a right of applying his skill in the art of physic to his own private advantage; and yet, perhaps, it may be truly asserted, that no other modern hath contributed so much to make his physical skill useful to the public; at least, that none hath undergone the pains of communicating this discovery in writing to the world. The reader, I think, will scarce need to be informed that the writer I mean, is the late Bishop of Cloyne in Ireland, and the discovery, that of the virtues of tar-water.

I then happened to recollect, upon a hint given me by

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the inimitable and shamefully-distressed author of the Female Quixote, that I had many years before, from curiosity only, taken a cursory view of Bishop Berkeley's treatise on the virtues of tar-water, which I had formerly observed he strongly contends to be that real panacea which Sydenham supposes to have an existence in nature, though it yet remains undiscovered, and, perhaps, will always remain so.

Upon the re-perusal of this book, I found the bishop only asserting his opinion, that tar-water might be useful in the dropsy, since he had known it to have a surprising success in the cure of a most stubborn anasarca, which is indeed no other than, as the word implies, the dropsy of the flesh; and this was, at that time, a large part of my complaint.

After a short trial, therefore, of a milk diet, which I presently found did not suit with my case, I betook myself to the bishop's prescription, and dosed myself every morning and evening with half a pint of tar-water.

It was no more than three weeks since my last tapping, and my belly and limbs were distended with water. This did not give me the worse opinion of tar-water; for I never supposed there could be any such virtue in tar-water, as immediately to carry off a quantity of water already collected. For my delivery from this, I well knew I must be again obliged to the trochar; and that if the tar-water did me any good at all, it must be only by the slowest degrees; and that if it should ever get the better of my distemper, it must be by the tedious operation of undermining; and not by a sudden attack and storm.

Some visible effects, however, and far beyond what my most sanguine hopes could with any modesty expect, I very soon experienced; the tar-water having, from the very first, lessened my illness, increased my appetite; and added, though in a very slow proportion, to my bodily strength.

But if my strength had increased a little, my water daily increased much more. So that, by the end of May, my belly became again ripe for the trochar, and I was a third

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time tapped; upon which, two very favourable symptoms appeared. I had three quarts of water taken from me less than had been taken the last time; and I bore the relaxation with much less (indeed with scarce any) faintness.

Those of my physical friends, on whose judgment I chiefly depended, seemed to think my only chance of life consisted in having the whole summer before me; in which I might hope to gather sufficient strength to encounter the inclemencies of the ensuing winter. But this chance began daily to lessen. I saw the summer mouldering away, or rather, indeed, the year passing away without intending to bring on any summer at all. In the whole month of May the sun scarce appeared three times. So that the early fruits came to the fulness of their growth, and to some appearance of ripeness, without acquiring any real maturity; having wanted the heat of the sun to soften and meliorate their juices. I saw the dropsy gaining rather than losing ground; the distance growing still shorter between the tappings. I saw the asthma likewise beginning again to become more troublesome. I saw the Midsummer quarter drawing towards a close. So that I conceived, if the Michaelmas quarter should steal off in the same manner, as it was, in my opinion, very much to be apprehended it would, I should be delivered up to the attacks of winter, before I recruited my forces, so as to be any wise able to withstand them.

I now began to recall an intention, which from the first dawnings of my recovery I had conceived, of removing to a warmer climate; and finding this to be approved of by a very eminent physician, I resolved to put it into immediate execution.

Aix in Provence was the place first thought on; but the difficulties of getting thither were insuperable. The journey by land, beside the expense of it, was infinitely too long and fatiguing; and I could hear of no ship that was likely to set out from London, within any reasonable time, for Marseilles, or any other port in that part of the Mediterranean.

Lisbon was presently fixed on in its room. The air here,

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as it was near four degrees to the south of Aix, must be more mild and warm, and the winter shorter and less piercing.

It was not difficult to find a ship bound to a place with which we carry on so immense a trade. Accordingly, my brother soon informed me of the excellent accommodations for passengers, which were to be found on board a ship that was obliged to sail for Lisbon in three days.

I eagerly embraced the offer, notwithstanding the shortness of the time; and having given my brother full power to contract for our passage, I began to prepare my family for the voyage with the utmost expedition.

But our great haste was needless; for the captain having twice put off his sailing, I at length invited him to dinner with me at Fordhook, a full week after the time on which he had declared, and that with many asseverations, he must, and would, weigh anchor.

He dined with me, according to his appointment; and when all matters were settled between us, left me with positive orders to be on board the Wednesday following; when he declared he would fall down the river to Gravesend; and would not stay a moment for the greatest man in the world.

He advised me to go to Gravesend by land, and there wait the arrival of his ship; assigning many reasons for this, every one of which was, as I well remember, among those that had before determined me to go on board near the Tower.

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A VOYAGE TO LISBON

Wednesday, June 26, 1754. On this day, the most melancholy sun I had ever beheld arose, and found me awake at my house at Fordhook. By the light of this sun, I was, in my own opinion, last to behold and take leave of some of those creatures on whom I doated with a mother-like fondness, guided by nature and passion, and uncured and unhardened by all the doctrine of that philosophical school where I had learned to bear pains and to despise death.

In this situation, as I could not conquer Nature, I submitted entirely to her, and she made as great a fool of me as she had ever done of any woman whatsoever; under pretence of giving me leave to enjoy, she drew me in to suffer, the company of my little ones during eight hours; and I doubt not whether, in that time, I did not undergo more than in all my distemper.

At twelve precisely my coach was at the door, which was no sooner told me, than I kissed my children round, and went into it with some little resolution. My wife, who behaved more like a heroine and philosopher, though at the same time the tenderest mother in the world, and my eldest daughter followed me; some friends went with us, and others here took their leave; and I heard my behaviour applauded, with many murmurs and praises to which I well knew I had

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no title; as all other such philosophers may, if they have any modesty, confess on the like occasions.

In two hours we arrived in Rotherhithe, and immediately went on board, and were to have sailed the next morning; but as this was the king's proclamation-day, and consequently a holiday at the Custom-house, the captain could not clear his vessel till the Thursday; for these holidays are as strictly observed as those in the popish calendar, and are almost as numerous. I might add, that both are opposite to the genius of trade, and consequently *contra bonum publicum.*

To go on board the ship it was necessary first to go into a boat; a matter of no small difficulty, as I had no use of my limbs, and was to be carried by men, who, though sufficiently strong for their burthen, were, like Archimedes, puzzled to find a steady footing. Of this, as few of my readers have not gone into wherries on the Thames, they will easily be able to form to themselves an idea. However, by the assistance of my friend Mr. Welch, whom I never think or speak of but with love and esteem, I conquered this difficulty as I did afterwards that of ascending the ship, into which I was hoisted with more ease by a chair lifted with pulleys. I was soon seated in a great chair in the cabin, to refresh myself after a fatigue which had been more intolerable, in a quarter of a mile's passage from my coach to the ship, than I had before undergone in a land-journey of twelve miles, which I had travelled with the utmost expedition.

This latter fatigue was, perhaps, somewhat heightened by an indignation which I could not prevent arising in my mind. I think, upon my entrance into the boat, I presented a spectacle of the highest horror. The total loss of limbs was apparent to all who saw me, and my face contained marks of a most diseased state, if not of death itself. Indeed, so ghastly was my countenance, that timorous women with child had abstained from my house, for fear of the ill consequences of looking at me. In this condition, I ran the gauntlope (so, I think, I may justly call it) through rows of sailors and watermen, few of whom failed of paying their

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compliments to me, by all manner of insults and jests on my misery. No man who knew me will think I conceived any personal resentment at this behaviour; but it was a lively picture of that cruelty and inhumanity, in the nature of men, which I have often contemplated with concern, and which leads the mind into a train of very uncomfortable and melancholy thoughts. It may be said, that this barbarous custom is peculiar to the English, and of them only to the lowest degree; that it is an excrescence of an uncontrolled licentiousness mistaken for liberty, and never shows itself in men who are polished and refined, in such manner as human nature requires, to produce that perfection of which it is susceptible, and to purge away that malevolence of disposition, of which, at our birth, we partake in common with the savage creation.

This may be said, and this is all that can be said; and it is, I am afraid, but little satisfactory to account for the inhumanity of those, who, while they boast of being made after God's own image, seem to bear in their minds a resemblance of the vilest species of brutes; or, rather, indeed, of our idea of devils; for I don't know that any brutes can be taxed with such malevolence.

A sirloin of beef was now placed on the table, for which, though little better than carrion, as much was charged by the master of the little paltry ale-house who dressed it, as would have been demanded for all the elegance of the King's Arms, or any other polite tavern or eating-house; for, indeed, the difference between the best house and the worst is, that at the former you pay largely for luxury, at the latter for nothing.

Thursday, June 27. This morning the captain, who lay on shore at his own house, paid us a visit in the cabin; and behaved like an angry bashaw, declaring, that had he known we were not to be pleased, he would not have carried us for five hundred pounds. He added many asseverations that he was a gentleman, and despised money; not forgetting several hints of the presents which had been made him for his cabin, of twenty, thirty, and forty guineas, by several

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gentlemen, over and above the sum for which they had contracted. This behaviour greatly surprised me, as I knew not how to account for it, nothing having happened since we parted from the captain the evening before in perfect good-humour: and all this broke forth on the first moment of his arrival this morning. He did not, however, suffer my amazement to have any long continuance, before he clearly showed me that all this was meant only as an apology to introduce another procrastination (being the fifth) of his weighing anchor: which was now postponed till Saturday, for such was his will and pleasure.

Besides the disagreeable situation in which we then lay in the confines of Wapping and Rotherhithe, tasting a delicious mixture of the air of both these sweet places, and enjoying the concord of sweet sounds of seamen, watermen, fish-women, oyster-women, and of all the vociferous inhabitants of both shores, composing altogether a greater variety of harmony than Hogarth's imagination hath brought together in that print of his, which is enough to make a man deaf to look at; I had a more urgent cause to press our departure, which was, that the dropsy, for which I had undergone three tappings, seemed to threaten me with a fourth discharge before I should reach Lisbon, and when I should have no body on board capable of performing the operation; but I was obliged to hearken to the voice of reason, if I may use the captain's own words, and to rest myself contented. Indeed, there was no alternative within my reach, but what would have cost me much too dear.

There are many evils in society, from which people of the highest rank are so entirely exempt, that they have not the least knowledge or idea of them; nor, indeed, of the characters which are formed by them. Such, for instance, is the conveyance of goods and passengers from one place to another. Now there is no such thing as any kind of knowledge contemptible in itself; and as the particular knowledge I here mean, is entirely necessary to the well-understanding and well-enjoying this journal; and, lastly, as in this case the most ignorant will be those very readers whose amuse-

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ment we chiefly consult, and to whom we wish to be supposed principally to write, we will here enter somewhat largely into the discussion of this matter; the rather, for that no ancient or modern author (if we can trust the catalogue of Doctor Mead's library) hath ever undertaken it; but that it seems (in the style of Don Quixote) a task reserved for my pen alone.

When I first conceived this intention, I began to entertain thoughts of inquiring into the antiquity of travelling; and, as many persons have performed in this way (I mean have travelled) at the expense of the public, I flattered myself that the spirit of improving arts and sciences, and of advancing useful and substantial learning, which so eminently distinguishes this age, and hath given rise to more speculative societies in Europe than I at present can recollect the names of; perhaps, indeed, than I or any other, besides their very near neighbours, ever heard mentioned, would assist in promoting so curious a work. A work, begun with the same views, calculated for the same purposes, and fitted for the same uses with the labours which those right honourable societies have so cheerfully undertaken themselves, and encouraged in others; sometimes with the highest honours, even with admission into their colleges, and with enrolment among their members.

From these societies I promised myself all assistance in their power, particularly the communication of such valuable manuscripts and records as they must be supposed to have collected from those obscure ages of antiquity, when history yields us such imperfect accounts of the residence, and much more imperfect, of the travels of the human race; unless, perhaps, as a curious and learned member of the young Society of Antiquaries is said to have hinted his conjectures, that their residence and their travels were one and the same; and this discovery (for such it seems to be) he is said to have owed to the lighting by accident on a book, which we shall have occasion to mention presently, the contents of which were then little known to the society.

The King of Prussia, moreover, who, from a degree of

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benevolence and taste, which in either case is a rare production in so northern a climate, is the great encourager of art and science, I was well assured would promote so useful a design, and order his archives to be searched on my behalf.

But after well weighing all these advantages, and much meditation on the order of my work, my whole design was subverted in a moment by hearing of the discovery just mentioned to have been made by the young antiquary, who, from the most ancient record in the world (though I don't find the society are all agreed on this point) one long preceding the date of the earliest modern collections, either of books or butterflies, none of which pretend to go beyond the flood, shows us, that the first man was a traveller, and that he and his family were scarce settled in Paradise before they disliked their own home, and became passengers to another place. Hence it appears, that the humour of travelling is as old as the human race, and that it was their curse from the beginning.

By this discovery my plan became much shortened, and I found it only necessary to treat of the conveyance of goods and passengers from place to place; which not being universally known, seemed proper to be explained, before we examined into its original. There are, indeed, two different ways of tracing all things, used by the historian and the antiquary; these are upwards and downwards. The former shows you how things are, and leaves to others to discover when they began to be so. The latter shows you how things were, and leaves their present existence to be examined by others. Hence the former is more useful; the latter more curious. The former receives the thanks of mankind; the latter of that valuable part, the virtuosi.

In explaining, therefore, this mystery of carrying goods and passengers from one place to another, hitherto so profound a secret to the very best of our readers, we shall pursue the historical method, and endeavour to show by what means it is at present performed, referring the more curious inquirer either to some other pen, or to some other opportunity.

Now there are two general ways of performing (if God permit) this conveyance; viz. by land and water, both of

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which have much variety; that by land being performed in different vehicles, such as coaches, caravans, waggons, &c. and that by water in ships, barges, and boats, of various sizes and denominations. But as all these methods of conveyance are formed on the same principles, they agree so well together, that it is fully sufficient to comprehend them all in the general view, without descending to such minute particulars as would distinguish one method from another.

Common to all of these is one general principle, that as the goods to be conveyed are usually the larger, so they are to be chiefly considered in the conveyance; the owner being indeed little more than an appendage to his trunk, or box, or bale, or at best, a small part of his own baggage, very little care is to be taken in stowing or packing them up with convenience to himself; for the conveyance is not of passengers and goods, but of goods and passengers.

Secondly, from this conveyance arises a new kind of relation, or rather of subjection in the society; by which the passenger becomes bound in allegiance to his conveyer. This allegiance is indeed only temporary and local, but the most absolute during its continuance, of any known in Great Britain, and, to say truth, scarce consistent with the liberties of a free people; nor could it be reconciled with them, did it not move downwards, a circumstance universally apprehended to be incompatible to all kinds of slavery. For Aristotle, in his Politics, hath proved abundantly to my satisfaction, that no men are born to be slaves, except barbarians; and these only to such as are not themselves barbarians; and indeed, M. Montesquieu hath carried it very little farther, in the case of the Africans; the real truth being, that no man is born to be a slave, unless to him who is able to make him so.

Thirdly, this subjection is absolute, and consists of a perfect resignation both of body and soul to the disposal of another; after which resignation, during a certain time, his subject retains no more power over his own will, than an Asiatic slave, or an English wife, by the laws of both countries, and by the customs of one of them. If I should

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mention the instance of a stage-coachman, many of my readers would recognise the truth of what I have here observed; all, indeed, that ever have been under the dominion of that tyrant, who, in this free country, is as absolute as a Turkish bashaw. In two particulars only his power is defective; he cannot press you into his service, and if you enter yourself at one place on condition of being discharged at a certain time at another, he is obliged to perform his agreement, if God permit; but all the intermediate time you are absolutely under his government, he carries you how he will, when he will, and whither he will, provided it be not much out of the road; you have nothing to eat, or to drink, but what, and when, and where he pleases. Nay, you cannot sleep, unless he pleases you should; for he will order you sometimes out of bed at midnight, and hurry you away at a moment's warning; indeed, if you can sleep in his vehicle, he cannot prevent it; nay, indeed, to give him his due, this he is ordinarily disposed to encourage; for the earlier he forces you to rise in the morning, the more time he will give you in the heat of the day, sometimes even six hours at an ale-house, or at their doors, where he always gives you the same indulgence which he allows himself; and for this he is generally very moderate in his demands. I have known a whole bundle of passengers charged no more than half-a-crown for being suffered to remain quiet at an ale-house door, for above a whole hour, and that even in the hottest day in summer.

But as this kind of tyranny, though it hath escaped our political writers, hath been, I think, touched by our dramatic, and is more trite among the generality of readers; and as this and all other kinds of such subjection are alike unknown to my friends, I will quit the passengers by land, and treat of those who travel by water; for whatever is said on this subject, is applicable to both alike, and we may bring them together as closely as they are brought in the liturgy, when they are recommended to the prayers of all Christian congregations; and (which I have often thought very remarkable) where they are joined with other miserable wretches,

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such as women in labour, people in sickness, infants just born, prisoners and captives.

Goods and passengers are conveyed by water in divers vehicles, the principal of which being a ship, it shall suffice to mention that alone. Here the tyrant doth not derive his title, as the stage-coachman doth from the vehicle itself, in which he stows his goods and passengers, but he is called the captain; a word of such various use and uncertain signification, that it seems very difficult to fix any positive idea to it; if, indeed, there be any general meaning which may comprehend all its different uses, that of the head, or chief, of any body of men, seems to be most capable of this comprehension; for whether they be a company of soldiers, a crew of sailors, or a gang of rogues, he who is at the head of them is always styled the captain.

The particular tyrant, whose fortune it was to stow us aboard, laid a farther claim to this appellation than the bare command of a vehicle of conveyance. He had been the captain of a privateer, which he chose to call being in the king's service, and thence derived a right of hoisting the military ornament of a cockade over the button of his hat. He likewise wore a sword of no ordinary length by his side, with which he swaggered in his cabin, among the wretches his passengers, whom he had stowed in cupboards on each side. He was a person of a very singular character. He had taken it into his head that he was a gentleman, from those very reasons that proved he was not one; and to show himself a fine gentleman, by a behaviour which seemed to insinuate he had never seen one. He was, moreover, a man of gallantry; at the age of seventy, he had the finicalness of Sir Courtly Nice, with the roughness of Surly; and while he was deaf himself, had a voice capable of deafening all others.

Now, as I saw myself in danger by the delays of the captain, who was, in reality, waiting for more freight, and as the wind had been long nested, as it were, in the south-west, where it constantly blew hurricanes, I began with great reason to apprehend that our voyage might be long, and

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that my belly, which began already to be much extended, would require the water to be let out at a time when no assistance was at hand; though, indeed, the captain comforted me with assurances, that he had a pretty young fellow on board, who acted as his surgeon, as I found he likewise did as steward, cook, butler, sailor. In short, he had as many offices as Scrub in the play, and went through them all with great dexterity; this of surgeon was, perhaps, the only one in which his skill was somewhat deficient, at least that branch of tapping for the dropsy; for he very ingenuously and modestly confessed, he had never seen the operation performed, nor was possessed of that chirurgical instrument with which it is performed.

Friday, June 28. By way of prevention, therefore, I this day sent for my friend Mr. Hunter, the great surgeon and anatomist of Covent Garden; and, though my belly was not yet very full and tight, let out ten quarts of water; the young sea-surgeon attended the operation, not as a performer, but as a student.

I was now eased of the greatest apprehension which I had from the length of the passage; and I told the captain I was become indifferent as to the time of his sailing. He expressed much satisfaction in this declaration, and at hearing from me, that I found myself, since my tapping, much lighter and better. In this, I believe, he was sincere; for he was, as we shall have occasion to observe more than once, a very good-natured man; and as he was a very brave one too, I found that the heroic constancy with which I had borne an operation, that is attended with scarce any degree of pain, had not a little raised me in his esteem. That he might adhere, therefore, in the most religious and rigorous manner to his word, when he had no longer any temptation from interest to break it, as he had no longer any hopes of more goods or passengers, he ordered his ship to fall down to Gravesend on Sunday morning, and there to wait his arrival.

Sunday, June 30. Nothing worth notice passed till that morning, when my poor wife, after passing a night in the

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utmost torments of the toothache, resolved to have it drawn. I despatched, therefore, a servant into Wapping, to bring, in haste, the best tooth-drawer he could find. He soon found out a female of great eminence in the art; but when he brought her to the boat, at the water-side, they were informed that the ship was gone; for, indeed, she had set out a few minutes after his quitting her; nor did the pilot, who well knew the errand on which I had sent my servant, think fit to wait a moment for his return, or to give me any notice of his setting out, though I had, very patiently, attended the delays of the captain four days, after many solemn promises of weighing anchor every one of the three last.

But of all the petty bashaws, or turbulent tyrants I ever beheld, this sour-faced pilot was the worst-tempered; for, during the time that he had the guidance of the ship, which was till we arrived in the Downs, he complied with no one's desires, nor did he give a civil word, or, indeed, a civil look, to any on board.

The tooth-drawer, who, as I said before, was one of great eminence among her neighbours, refused to follow the ship; so that my man made himself the best of his way, and, with some difficulty, came up with us before we were got under full sail; for, after that, as we had both wind and tide with us, he would have found it impossible to overtake the ship, till she was come to an anchor at Gravesend.

The morning was fair and bright, and we had a passage thither, I think, as pleasant as can be conceived: for, take it with all its advantages, particularly the number of fine ships you are always sure of seeing by the way, there is nothing to equal it in all the rivers of the world. The yards of Deptford and of Woolwich are noble sights; and give us a just idea of the great perfection to which we are arrived in building those floating castles, and the figure which we may always make in Europe among the other maritime powers. That of Woolwich, at least, very strongly imprinted this idea on my mind; for there was now on the stocks there the Royal Anne, supposed to be the largest

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ship ever built, and which contains ten carriage guns more than had ever yet equipped a first rate.

It is true, perhaps, that there is more of ostentation than of real utility in ships of this vast and unwieldy burden, which are rarely capable of acting against an enemy, but if the building such contributes to preserve, among other nations, the notion of the British superiority in naval affairs, the expense, though very great, is well incurred, and the ostentation is laudable and truly political. Indeed, I should be sorry to allow that Holland, France, or Spain, possessed a vessel larger and more beautiful than the largest and most beautiful of ours; for this honour I would always administer to the pride of our sailors, who should challenge it from all their neighbours with truth and success. And sure I am, that not our honest tars alone, but every inhabitant of this island, may exult in the comparison, when he considers the King of Great Britain as a maritime prince, in opposition to any other prince in Europe; but I am not so certain that the same idea of superiority will result from comparing our land forces with those of many other crowned heads. In numbers, they all far exceed us, and in the goodness and splendour of their troops, many nations, particularly the Germans and French, and perhaps the Dutch, cast us at a distance; for, however we may flatter ourselves with the Edwards and Henrys of former ages, the change of the whole art of war since those days, by which the advantage of personal strength is in a manner entirely lost, hath produced a change in military affairs to the advantage of our enemies. As for our successes in later days, if they were not entirely owing to the superior genius of our general, they were not a little due to the superior force of his money. Indeed, if we should arraign Marshal Saxe of ostentation when he showed his army, drawn up, to our captive general, the day after the battle of La Val, we cannot say that the ostentation was entirely vain; since he certainly showed him an army which had not been often equalled, either in the number or goodness of the troops, and which, in those respects, so far exceeded ours, that none can

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ever cast any reflection on the brave young prince who could not reap the laurels of conquest in that day; but his retreat will be always mentioned as an addition to his glory.

In our marine the case is entirely the reverse, and it must be our own fault if it doth not continue so; for continue so it will as long as the flourishing state of our trade shall support it, and this support it can never want till our legislature shall cease to give sufficient attention to the protection of our trade, and our magistrates want sufficient power, ability, and honesty, to execute the laws: a circumstance not to be apprehended, as it cannot happen till our senates and our benches shall be filled with the blindest ignorance, or with the blackest corruption.

Besides the ships in the docks, we saw many on the water; the yachts are sights of great parade, and the king's body yacht is, I believe, unequalled in any country for convenience as well as magnificence; both which are consulted in building and equipping her with the most exquisite art and workmanship.

We saw likewise several Indiamen just returned from their voyage. These are, I believe, the largest and finest vessels which are any where employed in commercial affairs. The colliers, likewise, which are very numerous, and even assemble in fleets, are ships of great bulk; and if we descend to those used in the American, African, and European trades, and pass through those which visit our own coasts, to the small craft that lie between Chatham and the Tower, the whole forms a most pleasing object to the eye, as well as highly warming to the heart of an Englishman, who has any degree of love for his country, or can recognise any effect of the patriot in his constitution.

Lastly, the Royal Hospital of Greenwich, which presents so delightful a front to the water, and doth such honour at once to its builder and the nation, to the great skill and ingenuity of the one, and to the no less sensible gratitude of the other, very properly closes the account of this scene; which may well appear romantic to those who have not

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themselves seen that, in this one instance, truth and reality are capable, perhaps, of exceeding the power of fiction.

When we had passed by Greenwich we saw only two or three gentlemen's houses, all of very moderate account, till we reached Gravesend; these are all on the Kentish shore, which affords a much drier, wholesomer, and pleasanter situation, than doth that of its opposite, Essex. This circumstance, I own, is somewhat surprising to me, when I reflect on the numerous villas that crowd the river from Chelsea upwards as far as Shepperton, where the narrower channel affords not half so noble a prospect, and where the continual succession of the small craft, like the frequent repetition of all things which have nothing in them great, beautiful or admirable, tire the eye, and give us distaste and aversion, instead of pleasure. With some of these situations, such as Barnes, Mortlake, &c., even the shore of Essex might contend, not upon very unequal terms; but, on the Kentish borders there are many spots to be chosen by the builder, which might justly claim the preference over almost the very finest of those in Middlesex and Surrey.

How shall we account for this depravity in taste? for, surely, there are none so very mean and contemptible, as to bring the pleasure of seeing a number of little wherries gliding along after one another, in competition with what we enjoy in viewing a succession of ships, with all their sails expanded to the winds, bounding over the waves before us.

And here I cannot pass by another observation on the deplorable want of taste in our enjoyments, which we show by almost totally neglecting the pursuit of what seems to me the highest degree of amusement; this is, the sailing ourselves in little vessels of our own, contrived only for our ease and accommodation, to which such situations of our villas as I have recommended would be so convenient, and even necessary.

This amusement, I confess, if enjoyed in any perfection, would be of the expensive kind; but such expense would not exceed the reach of a moderate fortune, and would fall very short of the prices which are daily paid for pleasures

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of a far inferior rate. The truth, I believe, is that sailing in the manner I have just mentioned is a pleasure rather unknown, or unthought of, than rejected by those who have experienced it; unless, perhaps, the apprehension of danger, or sea-sickness, may be supposed, by the timorous and delicate, to make too large deductions; insisting that all their enjoyments shall come to them pure and unmixed, and being ever ready to cry out,

——"*Nocet empta dolore voluptas.*"

This, however, was my present case; for the ease and lightness which I felt from my tapping, the gaiety of the morning, the pleasant sailing with wind and tide, and the many agreeable objects with which I was constantly entertained during the whole way, were all suppressed and overcome by the single consideration of my wife's pain, which continued incessantly to torment her till we came to an anchor, when I despatched a messenger, in great haste, for the best reputed operator in Gravesend. A surgeon of some eminence now appeared, who did not decline tooth-drawing, though he certainly would have been offended with the appellation of tooth-drawer, no less than his brethren, the members of that venerable body, would be with that of barber, since the late separation between those long-united companies, by which, if the surgeons have gained much, the barbers are supposed to have lost very little.

This able and careful person (for so I sincerely believe he is) after examining the guilty tooth, declared that it was such a rotten shell, and so placed at the very remotest end of the upper jaw, where it was in a manner, covered and secured by a large fine firm tooth, that he despaired of his power of drawing it.

He said, indeed, more to my wife, and used more rhetoric to dissuade her from having it drawn, than is generally employed to persuade young ladies to prefer a pain of three moments to one of three months' continuance; especially if those young ladies happen to be past forty and fifty years of age, when, by submitting to support a racking torment,

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the only good circumstance attending which is, it is so short that scarce one in a thousand can cry out I feel it, they are to do a violence to their charms, and lose one of those beautiful holders with which alone Sir Courtly Nice declares a lady can ever lay hold of his heart.

He said at last so much, and seemed to reason so justly, that I came over to his side, and assisted him in prevailing on my wife (for it was no easy matter) to resolve on keeping her tooth a little longer, and to apply palliatives only for relief. These were opium applied to the tooth, and blisters behind the ears.

Whilst we were at dinner this day, in the cabin, on a sudden the window on one side was beat into the room, with a crash as if a twenty-pounder had been discharged among us. We were all alarmed at the suddenness of the accident, for which, however, we were soon able to account, for the sash, which was shivered all to pieces, was pursued into the middle of the cabin by the bow-sprit of a little ship, called a cod-smack, the master of which made us amends for running (carelessly at best) against us, and injuring the ship in the sea way; that is to say, by damning us all to hell, and uttering several pious wishes that it had done us much more mischief. All which were answered in their own kind and phrase by our men; between whom and the other crew a dialogue of oaths and scurrility was carried on as long as they continued in each other's hearing.

It is difficult, I think, to assign a satisfactory reason why sailors in general should, of all others, think themselves entirely discharged from the common bands of humanity, and should seem to glory in the language and behaviour of savages! They see more of the world, and have, most of them, a more erudite education, than is the portion of landmen of their degree. Nor do I believe that in any country they visit (Holland itself not excepted) they can ever find a parallel to what daily passes on the river Thames. Is it that they think true courage (for they are the bravest fellows upon earth) inconsistent with all the gentleness of a

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humane carriage, and that the contempt of civil order springs up in minds but little cultivated at the same time and from the same principles with the contempt of danger and death? Is it ——? in short, it is so; and how it comes to be so I leave to form a question in the Robin Hood Society, or to be propounded for solution among the enigmas in the Woman's Almanack for the next year.

Monday, July 1. This day Mr. Welch took his leave of me after dinner, as did a young lady of her sister, who was proceeding with my wife to Lisbon. They both set out together in a post-chaise for London.

Soon after their departure, our cabin, where my wife and I were sitting together, was visited by two ruffians, whose appearance greatly corresponded with that of the sheriff's, or rather the knight-marshal's bailiffs. One of these especially, who seemed to affect a more than ordinary degree of rudeness and insolence, came in without any kind of ceremony, with a broad gold lace on his hat, which was cocked with much military fierceness on his head. An inkhorn at his button-hole, and some papers in his hand, sufficiently assured me what he was, and I asked him if he and his companion were not custom-house officers; he answered with sufficient dignity that they were, as an information which he seemed to conclude would strike the hearer with awe, and suppress all farther inquiry; but, on the contrary, I proceeded to ask of what rank he was in the custom-house, and receiving an answer from his companion, as I remember, that the gentleman was a riding surveyor; I replied, that he might be a riding surveyor, but could be no gentleman, for that none who had any title to that denomination would break into the presence of a lady without an apology, or even moving his hat. He then took his covering from his head, and laid it on the table, saying, he asked pardon, and blamed the mate, who should, he said, have informed him if any persons of distinction were below. I told him he might guess by our appearance (which, perhaps, was rather more than could be said with the strictest adherence to truth) that he was before a gentleman and

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lady, which should teach him to be very civil in his behaviour, though we should not happen to be of that number whom the world calls people of fashion and distinction. However, I said, that as he seemed sensible of his error, and had asked pardon, the lady would permit him to put his hat on again, if he chose it. This he refused with some degree of surliness, and failed not to convince me, that if I should condescend to become more gentle he would soon grow more rude.

I now renewed a reflection, which I have often seen occasion to make, that there is nothing so incongruous in nature as any kind of power with lowness of mind and of ability, and that there is nothing more deplorable than the want of truth in the whimsical notion of Plato; who tells us, that "Saturn, well knowing the state of human affairs, gave us kings and rulers, not of human but divine original, for as we make not shepherds of sheep, nor oxherds of oxen, nor goatherds of goats; but place some of our own kind over all, as being better and fitter to govern them; in the same manner were demons by the Divine Love set over us, as a race of beings of a superior order to men, and who, with great ease to themselves, might regulate our affairs, and establish peace, modesty, freedom, and justice; and totally destroying all sedition, might complete the happiness of the human race. So far, at least, may even now be said with truth, that in all states which are under the government of mere man, without any divine assistance, there is nothing but labour and misery to be found. From what I have said therefore we may at least learn, with our utmost endeavours, to imitate the Saturnian institution; borrowing all assistance from our immortal part, while we pay to this the strictest obedience, we should form both our private economy and public policy from its dictates. By this dispensation of our immortal minds we are to establish a law, and to call it by that name. But if any government be in the hands of a single person, of the few, or of the many; and such governor or governors shall abandon himself or themselves to the unbridled pursuit of the wildest pleasures or desires,

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unable to restrain any passion, but possessed with an insatiable bad disease; if such shall attempt to govern, and at the same time to trample on all laws, there can be no means of preservation left for the wretched people." Plato de Leg. lib. iv. p. 713. c. 714. edit. Serrani.

It is true that Plato is here treating of the highest of sovereign power in a state; but it is as true that his observations are general, and may be applied to all inferior powers; and, indeed, every subordinate degree is immediately derived from the highest; and as it is equally protected by the same force, and sanctified by the same authority, is alike dangerous to the well-being of the subject.

Of all powers, perhaps, there is none so sanctified and protected as this which is under our present consideration. So numerous, indeed, and strong are the sanctions given to it by many acts of parliament, that having once established the laws of customs on merchandise, it seems to have been the sole view of the legislature to strengthen the hands and to protect the persons of the officers, who became established by those laws; many of whom are so far from bearing any resemblance to the Saturnian institution, and to be chosen from a degree of beings superior to the rest of the human race, that they sometimes seem industriously picked out of the lowest and vilest orders of mankind.

There is, indeed, nothing so useful to man in general, nor so beneficial to particular societies and individuals, as trade. This is that *alma mater* at whose plentiful breast all mankind are nourished. It is true, like other parents, she is not always equally indulgent to all her children; but though she gives to her favourites a vast proportion of redundancy and superfluity, there are very few whom she refuses to supply with the conveniences, and none with the necessaries of life.

Such a benefactress as this must naturally be beloved by mankind in general; it would be wonderful, therefore, if her interest was not considered by them, and protected from the fraud and violence of some of her rebellious

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offspring, who, coveting more than their share, or more than she thinks proper to allow them, are daily employed in meditating mischief against her, and in endeavouring to steal from their brethren those shares which this great *alma mater* had allowed them.

At length our governor came on board, and about six in the evening we weighed anchor, and fell down to the Nore, whither our passage was extremely pleasant, the evening being very delightful, the moon just past the full, and both wind and tide favourable to us.

Tuesday, July 2. This morning we again set sail, under all the advantages we had enjoyed the evening before: this day we left the shore of Essex, and coasted along Kent, passing by the pleasant island of Thanet, which is an island, and that of Sheppey, which is not an island, and about three o'clock, the wind being now full in our teeth, we came to an anchor in the Downs, within two miles of Deal. My wife, having suffered intolerable pain from her tooth, again renewed her resolution of having it drawn, and another surgeon was sent for from Deal, but with no better success than the former. He likewise declined the operation, for the same reason which had been assigned by the former; however, such was her resolution, backed with pain, that he was obliged to make the attempt, which concluded more in honour of his judgment than of his operation; for after having put my poor wife to inexpressible torment, he was obliged to leave her tooth *in statu quo:* and she had now the comfortable prospect of a long fit of pain, which might have lasted her whole voyage, without any possibility of relief.

In these pleasing sensations, of which I had my just share, Nature, overcome with fatigue, about eight in the evening resigned her to rest; a circumstance which would have given me some happiness, could I have known how to employ those spirits who were raised by it; but, unfortunately for me, I was left in a disposition of enjoying an agreeable hour without the assistance of a companion, which has always appeared to me necessary to such enjoyment; my daughter

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and her companion were both retired sea-sick to bed; the other passengers were a rude school-boy of fourteen years old, and an illiterate Portuguese friar, who understood no language but his own, in which I had not the least smattering. The captain was the only person left in whose conversation I might indulge myself; but unluckily, besides a total ignorance of everything in the world but a ship, he had the misfortune of being so deaf, that to make him hear, I will not say understand, my words, I must run the risk of conveying them to the ears of my wife, who, though in another room (called, I think, the state-room; being, indeed, a most stately apartment, capable of containing one human body in length, if not very tall, and three bodies in breadth), lay asleep within a yard of me. In this situation necessity and choice were one and the same thing; the captain and I sat down together to a small bowl of punch, over which we both soon fell fast asleep, and so concluded the evening.

Wednesday, July 3. This morning I awaked at four o'clock, for my distemper seldom suffered me to sleep later. I presently got up, and had the pleasure of enjoying the sight of a tempestuous sea for four hours before the captain was stirring; for he loved to indulge himself in morning slumbers, which were attended with a wind-music, much more agreeable to the performers than to the hearers, especially such as have, as I had, the privilege of sitting in the orchestra. At eight o'clock the captain rose, and sent his boat on shore. I ordered my man likewise to go in it, as my distemper was not of that kind which entirely deprives us of appetite. Now, though the captain had well victualled his ship with all manner of salt provisions for the voyage, and had added great quantities of fresh stores, particularly of vegetables, at Gravesend, such as beans and peas, which had been on board only two days, and had possibly not been gathered above two more, I apprehended I could provide better for myself at Deal than the ship's ordinary seemed to promise. I accordingly sent for fresh provisions of all kinds from the shore, in order to put off the evil day of starving as long as possible. My man returned with most of

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the articles I sent for, and I now thought myself in a condition of living a week on my own provisions. I therefore ordered my own dinner, which I wanted nothing but a cook to dress, and a proper fire to dress it at; but those were not to be had, nor indeed any addition to my roast mutton, except the pleasure of the captain's company, with that of the other passengers; for my wife continued the whole day in a state of dozing, and my other females, whose sickness did not abate by the rolling of the ship at anchor, seemed more inclined to empty their stomachs than to fill them. Thus I passed the whole day (except about an hour at dinner) by myself, and the evening concluded with the captain as the preceding one had done; one comfortable piece of news he communicated to me, which was, that he had no doubt of a prosperous wind in the morning; but as he did not divulge the reasons of this confidence, and as I saw none myself besides the wind being directly opposite, my faith in this prophecy was not strong enough to build any great hopes upon.

Thursday, July 4. This morning, however, the captain seemed resolved to fulfil his own predictions, whether the wind would or no; he accordingly weighed anchor, and taking the advantage of the tide, when the wind was not very boisterous, he hoisted his sails; and, as if his power had been no less absolute over Æolus than it was over Neptune, he forced the wind to blow him on in its own despite.

But as all men who have ever been at sea well know how weak such attempts are, and want no authorities of Scripture to prove, that the most absolute power of a captain of a ship is very contemptible in the wind's eye, so did it befall our noble commander; who having struggled with the wind three or four hours, was obliged to give over, and lost in a few minutes all that he had been so long gaining; in short, we returned to our former station, and once more cast anchor in the neighbourhood of Deal.

Here, though we lay near the shore, that we might promise ourselves all the emolument which could be derived from it, we found ourselves deceived; and that we might with as

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much conveniency be out of the sight of land; for, except when the captain launched forth his own boat, which he did always with great reluctance, we were incapable of procuring any thing from Deal, but at a price too exorbitant, and beyond the reach even of modern luxury; the fare of a boat from Deal, which lay at two miles' distance, being at least three half-crowns, and if we had been in any distress for it, as many half-guineas; for these good people consider the sea as a large common, appendant to their manor, in which, when they find any of their fellow-creatures impounded, they conclude that they have a full right of making them pay at their own discretion for their deliverance; to say the truth, whether it be that men who live on the sea-shore are of an amphibious kind, and do not entirely partake of human nature, or whatever else may be the reason, they are so far from taking any share in the distresses of mankind, or of being moved with any compassion for them, that they look upon them as blessings showered down from above; and which the more they improve to their own use, the greater is their gratitude and piety. Thus at Gravesend, a sculler requires a shilling for going less way than he would row in London for threepence; and at Deal, a boat often brings more profit in a day, than it can produce in London in a week, or, perhaps, in a month; in both places, the owner of the boat founds his demand on the necessity and distress of one, who stands more or less in absolute want of his assistance; and, with the urgency of these, always rises in the exorbitancy of his demand, without ever considering, that, from these very circumstances, the power or ease of gratifying such demand is in like proportion lessened. Now, as I am unwilling that some conclusions, which may be, I am aware, too justly drawn from these observations, should be imputed to human nature in general, I have endeavoured to account for them in a way more consistent with the goodness and dignity of that nature: however it be, it seems a little to reflect on the governors of such monsters, that they do not take some means to restrain these impositions, and prevent them from triumphing

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any longer in the miseries of those, who are, in many circumstances at least, their fellow-creatures, and considering the distresses of a wretched seaman, from his being wrecked to his being barely wind-bound, as a blessing sent among them from above, and calling it by that blasphemous name.

Friday, July 5. This day I sent a servant on board a man of war, that was stationed here, with my compliments to the captain, to represent to him the distress of the ladies, and to desire the favour of his long-boat to conduct us to Dover, at about seven miles' distance; and, at the same time, presumed to make use of a great lady's name, the wife of the first lord commissioner of the admiralty; who would, I told him, be pleased with any kindness shown by him towards us in our miserable condition. And this I am convinced was true, from the humanity of the lady, though she was entirely unknown to me.

The captain returned a verbal answer to a long letter; acquainting me, that what I desired could not be complied with, it being a favour not in his power to grant. This might be, and I suppose was true; but it is as true, that if he was able to write, and had pen, ink, and paper aboard, he might have sent a written answer, and that it was the part of a gentleman so to have done; but this is a character seldom maintained on the watery element, especially by those who exercise any power on it. Every commander of a vessel here seems to think himself entirely free from all those rules of decency and civility, which direct and restrain the conduct of the members of a society on shore; and each claiming absolute dominion in his little wooden world, rules by his own laws and his own discretion. I do not, indeed, know so pregnant an instance of the dangerous consequences of absolute power, and its aptness to intoxicate the mind, as that of those petty tyrants, who become such in a moment, from very well-disposed and social members of that communion, in which they affect no superiority, but live in an orderly state of legal subjection with their fellow-citizens.

Saturday, July 6. This morning our commander, declaring he was sure the wind would change, took the advantage of

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an ebbing tide, and weighed his anchor. His assurance, however, had the same completion, and his endeavours the same success, with his former trial; and he was soon obliged to return once more to his old quarters. Just before we let go our anchor, a small sloop, rather than submit to yield us an inch of way, ran foul of our ship, and carried off her bowsprit. This obstinate frolic would have cost those aboard the sloop very dear, if our steersman had not been too generous to exert his superiority, the certain consequence of which would have been the immediate sinking of the other. This contention of the inferior, with a might capable of crushing it in an instant, may seem to argue no small share of folly or madness, as well as of impudence; but I am convinced there is very little danger in it: contempt is a port to which the pride of man submits to fly with reluctance, but those who are within it are always in a place of the most assured security; for whosoever throws away his sword, prefers, indeed, a less honourable, but much safer means of avoiding danger, than he who defends himself with it. And here we shall offer another distinction, of the truth of which much reading and experience have well convinced us, that as in the most absolute governments, there is a regular progression of slavery downwards, from the top to the bottom, the mischief of which is seldom felt with any great force and bitterness, but by the next immediate degree; so in the most dissolute and anarchical states, there is as regular an ascent of what is called rank or condition, which is always laying hold of the head of him who is advanced but one step higher on the ladder, who might, if he did not too much despise such efforts, kick his pursuer headlong to the bottom. We will conclude this digression with one general and short observation, which will, perhaps, set the whole matter in a clearer light than the longest and most laboured harangue. Whereas envy of all things most exposes us to danger from others; so contempt of all things best secures us from them. And thus, while the dung-cart and the sloop are always meditating mischief against the coach and the ship, and throwing themselves designedly in their

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way, the latter consider only their own security, and are not ashamed to break the road, and let the other pass by them.

Monday, July 8. Having passed our Sunday without any thing remarkable, unless the catching a great number of whitings in the afternoon may be thought so; we now set sail on Monday at six o'clock, with a little variation of wind; but this was so very little, and the breeze itself so small, that the tide was our best, and, indeed, almost our only friend. This conducted us along the short remainder of the Kentish shore. Here we passed that cliff of Dover, which makes so tremendous a figure in Shakespeare, and which, whoever reads without being giddy, must, according to Mr. Addison's observation, have either a very good head, or a very bad one; but which, whoever contracts any such ideas from the sight of, must have, at least, a poetic, if not a Shakesperian genius. In truth, mountains, rivers, heroes, and gods owe great part of their existence to the poets; and Greece and Italy do so plentifully abound in the former, because they furnished so glorious a number of the latter; who, while they bestowed immortality on every little hillock and blind stream, left the noblest rivers and mountains in the world to share the same obscurity with the eastern and western poets, in which they are celebrated.

This evening we beat the sea off Sussex, in sight of Dungeness, with much more pleasure than progress; for the weather was almost a perfect calm, and the moon, which was almost at the full, scarce suffered a single cloud to veil her from our sight.

Tuesday, Wednesday, July 9, 10. These two days we had much the same fine weather, and made much the same way; but, in the evening of the latter day, a pretty fresh gale sprung up, at N. N. W. which brought us by the morning in sight of the Isle of Wight.

Thursday, July 11. This gale continued till towards noon; when the east end of the island bore but a little a-head of us. The captain swaggered, and declared he would keep the sea; but the wind got the better of him, so that about three he gave up the victory, and, making a sudden

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tack, stood in for the shore, passed by Spithead and Portsmouth, and came to an anchor at a place called Ryde on the island.

A most tragical incident fell out this day at sea. While the ship was under sail, but making, as will appear, no great way, a kitten, one of four of the feline inhabitants of the cabin, fell from the window into the water; an alarm was immediately given to the captain, who was then upon deck, and received it with the utmost concern and many bitter oaths. He immediately gave orders to the steersman in favour of the poor thing, as he called it; the sails were instantly slackened, and all hands, as the phrase is, employed to recover the poor animal. I was, I own, extremely surprised at all this; less, indeed, at the captain's extreme tenderness, than at his conceiving any possibility of success: for, if puss had had nine thousand, instead of nine lives, I concluded they had been all lost. The boatswain, however, had more sanguine hopes; for, having stript himself of his jacket, breeches, and shirt, he leaped boldly into the water, and to my great astonishment, in a few minutes, returned to the ship, bearing the motionless animal in his mouth. Nor was this, I observed, a matter of such great difficulty as it appeared to my ignorance, and possibly may seem to that of my fresh-water reader: the kitten was now exposed to air and sun on the deck, where its life, of which it retained no symptoms, was despaired of by all.

The captain's humanity, if I may so call it, did not so totally destroy his philosophy, as to make him yield himself up to affliction on this melancholy occasion. Having felt his loss like a man, he resolved to show he could bear it like one; and having declared he had rather have lost a cask of rum or brandy, betook himself to threshing at backgammon with the Portuguese friar, in which innocent amusement they had passed about two-thirds of their time.

But, as I have, perhaps, a little too wantonly endeavoured to raise the tender passions of my readers in this narrative, I should think myself unpardonable if I concluded it without giving them the satisfaction of hearing that the kitten

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at last recovered, to the great joy of the good captain; but to the great disappointment of some of the sailors, who asserted that the drowning a cat was the very surest way of raising a favourable wind; a supposition of which, though we have heard several plausible accounts, we will not presume to assign the true original reason.

Friday, July 12. This day our ladies went ashore at Ryde, and drank their afternoon tea at an ale-house there with great satisfaction; here they were regaled with fresh cream, to which they had been strangers since they left the Downs.

Saturday, July 13. The wind seeming likely to continue in the same corner, where it had been almost constantly for two months together, I was persuaded by my wife to go ashore, and stay at Ryde till we sailed. I approved the motion much; for, though I am a great lover of the sea, I now fancied there was more pleasure in breathing the fresh air of the land; but how to get thither was the question; for being really that dead luggage, which I considered all passengers to be in the beginning of this narrative, and incapable of any bodily motion without external impulse, it was in vain to leave the ship, or to determine to do it without the assistance of others. In one instance, perhaps, the living luggage is more difficult to be moved, or removed, than an equal or much superior weight of dead matter; which, if of the brittle kind, may, indeed, be liable to be broken through negligence; but this, by proper care, may be almost certainly prevented; whereas the fractures to which the living lumps are exposed are sometimes by no caution avoidable, and often by no art to be amended.

I was deliberating on the means of conveyance, not so much out of the ship to the boat, as out of a little tottering boat to the land. A matter which, as I had already experienced in the Thames, was not extremely easy, when to be performed by any other limbs than your own. Whilst I weighed all that could suggest itself on this head, without strictly examining the merit of the several schemes which were advanced by the captain and sailors, and, indeed, giving

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no very deep attention even to my wife, who, as well as her friend and my daughter, were exerting their tender concern for my ease and safety: Fortune, for I am convinced she had a hand in it, sent me a present of a buck; a present welcome enough of itself, but more welcome on account of the vessel in which it came, being a large hoy, which in some places would pass for a ship, and many people would go some miles to see the sight. I was pretty easily conveyed on board this hoy, but to get from hence to the shore was not so easy a task; for, however strange it may appear, the water itself did not extend so far; an instance which seems to explain those lines of Ovid,

"*Omnia pontus erant, deerant quoque littora ponto,*"

in a less tautological sense than hath generally been imputed to them.

In fact, between the sea and the shore there was, at low water, an impassable gulf, if I may so call it, of deep mud, which could neither be traversed by walking nor swimming; so that for near one-half of the twenty-four hours Ryde was inaccessible by friend or foe. But as the magistrates of this place seemed more to desire the company of the former than to fear that of the latter, they had begun to make a small causeway to the low-water mark, so that foot-passengers might land whenever they pleased; but as this work was of a public kind, and would have cost a large sum of money, at least ten pounds, and the magistrates, that is to say, the churchwardens, the overseers, constable, and tithing-man, and the principal inhabitants, had every one of them some separate scheme of private interest to advance at the expense of the public, they fell out among themselves; and, after having thrown away one half of the requisite sum, resolved at least to save the other half, and rather be contented to sit down losers themselves, than to enjoy any benefit which might bring in a greater profit to another. Thus that unanimity which is so necessary in all public affairs became wanting, and every man, from the fear of

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being a bubble to another, was, in reality, a bubble to himself.

However, as there is scarce any difficulty to which the strength of men, assisted with the cunning of art, is not equal, I was at last hoisted into a small boat, and, being rowed pretty near the shore, was taken up by two sailors, who waded with me through the mud, and placed me in a chair on the land, whence they afterwards conveyed me a quarter of a mile farther, and brought me to a house which seemed to bid the fairest for hospitality of any in Ryde.

We brought with us our provisions from the ship, so that we wanted nothing but a fire to dress our dinner, and a room in which we might eat it. In neither of these had we any reason to apprehend a disappointment, our dinner consisting only of beans and bacon; and the worst apartment in his Majesty's dominions, either at home or abroad, being fully sufficient to answer our present ideas of delicacy.

Unluckily, however, we were disappointed in both; for when we arrived about four at our inn, exulting in the hopes of immediately seeing our beans smoking on the table, we had the mortification of seeing them on the table indeed, but without that circumstance which would have made the sight agreeable, being in the same state in which we had despatched them from our ship.

In excuse for this delay, though we had exceeded, almost purposely, the time appointed, and our provision had arrived three hours before, the mistress of the house acquainted us, that it was not for want of time to dress them that they were not ready, but for fear of their being cold or overdone before we should come; which she assured us was much worse than waiting a few minutes for our dinner; an observation so very just, that it is impossible to find any objection in it; but, indeed, it was not altogether so proper at this time; for we had given the most absolute orders to have them ready at four, and had been ourselves, not without much care and difficulty, most exactly punctual in keeping to the very minute of our appointment. But tradesmen, inn-

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keepers, and servants, never care to indulge us in matters contrary to our true interest, which they always know better than ourselves; nor can any bribes corrupt them to go out of their way, whilst they are consulting our good in our own despite.

Our disappointment in the other particular, in defiance of our humility, as it was more extraordinary, was more provoking. In short, Mrs. Francis (for that was the name of the good woman of the house), no sooner received the news of our intended arrival, than she considered more the gentility than the humanity of her guests, and applied herself not to that which kindles but to that which extinguishes fire, and, forgetting to put on her pot, fell to washing her house.

As the messenger who had brought my venison was impatient to be despatched, I ordered it to be brought and laid on the table, in the room where I was seated; and the table not being large enough, one side, and that a very bloody one, was laid on the brick floor. I then ordered Mrs. Francis to be called in, in order to give her instructions concerning it; in particular, what I would have roasted and what baked; concluding that she would be highly pleased with the prospect of so much money being spent in her house as she might have now reason to expect, if the wind continued only a few days longer to blow from the same points whence it had blown for several weeks past.

I soon saw good cause, I must confess, to despise my own sagacity. Mrs. Francis, having received her orders, without making any answer, snatched the side from the floor, which remained stained with blood, and, bidding a servant take up that on the table, left the room with no pleasant countenance, muttering to herself, that "had she known the litter which was to have been made, she would not have taken such pains to wash her house that morning. If this was gentility, much good may it do such gentlefolks; for her part she had no notion of it."

From these murmurs I received two hints. The one, that it was not from a mistake of our inclination that the good

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woman had starved us, but from wisely consulting her own dignity, or rather perhaps her vanity, to which our hunger was offered up as a sacrifice. The other, that I was now sitting in a damp room; a circumstance, though it had hitherto escaped my notice, from the colour of the bricks, which was by no means to be neglected in a valetudinary state.

My wife, who, besides discharging excellently well her own and all the tender offices becoming the female character; who, besides being a faithful friend, an amiable companion, and a tender nurse, could likewise supply the wants of a decrepit husband, and occasionally perform his part, had, before this, discovered the immoderate attention to neatness in Mrs. Francis, and provided against its ill consequences. She had found, though not under the same roof, a very snug apartment belonging to Mr. Francis, and which had escaped the mop by his wife's being satisfied it could not possibly be visited by gentlefolks.

This was a dry, warm, oaken-floored barn, lined on both sides with wheaten straw, and opening at one end into a green field, and a beautiful prospect. Here, without hesitation, she ordered the cloth to be laid, and came hastily to snatch me from worse perils by water than the common dangers of the sea.

Mrs. Francis, who could not trust her own ears, or could not believe a footman in so extraordinary a phenomenon, followed my wife, and asked her, if she had indeed ordered the cloth to be laid in the barn? She answered in the affirmative; upon which Mrs. Francis declared she would not dispute her pleasure, but it was the first time, she believed, that quality had ever preferred a barn to a house. She showed at the same time the most pregnant marks of contempt, and again lamented the labour she had undergone, through her ignorance of the absurd taste of her guests.

At length we were seated in one of the most pleasant spots, I believe, in the kingdom; and were regaled with our beans and bacon, in which there was nothing deficient but the quantity. This defect was, however, so deplorable, that we had consumed our whole dish before we had visibly

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lessened our hunger. We now waited with impatience the arrival of our second course, which necessity, and not luxury, had dictated. This was a joint of mutton, which Mrs. Francis had been ordered to provide; but when, being tired with expectation, we ordered our servants *to see for something else*, we were informed that there was nothing else; on which Mrs. Francis being summoned, declared there was no such thing as mutton to be had at Ryde. When I expressed some astonishment at their having no butcher in a village so situated, she answered they had a very good one, and one that killed all sorts of meat in season, beef two or three times a year, and mutton the whole year round; but that it being then beans and peas time, he killed no meat, by reason he was not sure of selling it. This she had not thought worthy of communication, any more than that there lived a fisherman at next door, who was then provided with plenty of soles, and whitings, and lobsters, far superior to those which adorn a city feast. This discovery being made by accident, we completed the best, the pleasantest, and the merriest meal, with more appetite, more real solid luxury, and more festivity, than was ever seen in an entertainment at White's.

It may be wondered at, perhaps, that Mrs. Francis should be so negligent of providing for her guests, as she may seem to be thus inattentive to her own interest; but this was not the case; for having clapt a poll-tax on our heads at our arrival, and determined at what price to discharge our bodies from her house, the less she suffered any other to share in the levy the clearer it came into her own pocket; and that it was better to get twelve pence in a shilling than ten pence, which latter would be the case if she afforded us fish at any rate.

Thus we passed a most agreeable day, owing to good appetites and good humour; two hearty feeders, which will devour with satisfaction whatever food you place before them; whereas, without these, the elegance of St. James's, the charde, the perigord pie, or the ortolan, the venison, the turtle, or the custard, may titillate the throat, but will

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never convey happiness to the heart, or cheerfulness to the countenance.

As the wind appeared still immovable, my wife proposed my lying on shore. I presently agreed, though in defiance of an act of parliament, by which persons wandering abroad, and lodging in ale-houses, are decreed to be rogues and vagabonds; and this too after having been very singularly officious in putting that law in execution.

My wife, having reconnoitred the house, reported that there was one room in which were two beds. It was concluded, therefore, that she and Harriet should occupy one and myself take possession of the other. She added likewise an ingenious recommendation of this room, to one who had so long been in a cabin, which it exactly resembled, as it was sunk down with age on one side, and was in the form of a ship with gunwales to.

For my own part, I make little doubt but this apartment was an ancient temple, built with the materials of a wreck, and probably dedicated to Neptune, in honour of THE BLESSING sent by him to the inhabitants; such blessings having, in all ages, been very common to them. The timber employed in it confirms this opinion, being such as is seldom used by any but ship-builders. I do not find, indeed, any mention of this matter in Hearn; but, perhaps, its antiquity was too modern to deserve his notice. Certain it is, that this island of Wight was not an early convert to Christianity; nay, there is some reason to doubt whether it was ever entirely converted. But I have only time to touch slightly on things of this kind, which, luckily for us, we have a society whose peculiar profession it is to discuss and develop.

Sunday, July 21. This morning early I summoned Mrs. Francis, in order to pay her the preceding day's account. As I could recollect only two or three articles, I thought there was no necessity of pen and ink. In a single instance only we had exceeded what the law allows gratis to a foot soldier on his march, viz., vinegar, salt, &c., and dressing his meat. I found, however, I was mistaken in my calcula-

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tion; for when the good woman attended with her bill, it contained as follows:

	£	s.	d.
Bread and beer	0	2	4
Wind	0	2	0
Rum	0	2	0
Dressing dinner	0	3	0
Tea	0	1	6
Firing	0	1	0
Lodging	0	1	6
Servants' lodging	0	0	6
	£0	13	10

Now that five people, and two servants, should live a day and a night at a public-house for so small a sum will appear incredible to any person in London above the degree of a chimney-sweeper; but more astonishing will it seem that these people should remain so long at such a house without tasting any other delicacy than bread, small-beer, a tea-cup full of milk called cream, a glass of rum converted into punch by their own materials, and one bottle of *wïnd*, of which we only tasted a single glass, though possibly, indeed, our servants drank the remainder of the bottle.

This *wind* is a liquor of English manufacture, and its flavour is thought very delicious by the generality of the English, who drink it in great quantities. Every seventh year is thought to produce as much as the other six. It is then drunk so plentifully that the whole nation are in a manner intoxicated by it; and consequently very little business is carried on at that season.

It resembles in colour the red wine which is imported from Portugal, as it doth in its intoxicating quality; hence, and from this agreement in the orthography, the one is often confounded with the other, though both are seldom esteemed by the same person. It is to be had in every parish of the kingdom, and a pretty large quantity is consumed in the metropolis, where several taverns are set apart

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solely for the vendition of this liquor, the masters never dealing in any other.

The disagreement in our computation produced some small remonstrance to Mrs. Francis on my side; but this received an immediate answer. She scorned to overcharge gentlemen; her house had been always frequented by the very best gentry of the island; and she had never had a bill found fault with in her life, though she had lived upwards of forty years in the house, and within that time the greatest gentry in Hampshire had been at it, and that lawyer Willis never went to any other, when he came to those parts. That for her part she did not get her livelihood by travellers, who were gone and away, and she never expected to see them more, but that her neighbours might come again; wherefore, to be sure, they had the only right to complain.

She was proceeding thus, and from her volubility of tongue seemed likely to stretch the discourse to an immoderate length, when I suddenly cut all short by paying the bill.

This morning our ladies went to church, more, I fear, from curiosity than religion; they were attended by the captain in a most military attire, with his cockade in his hat, and his sword by his side. So unusual an appearance in this little chapel drew the attention of all present, and probably disconcerted the women, who were in dishabille, and wished themselves drest, for the sake of the curate, who was the greatest of their beholders.

While I was left alone I received a visit from Mr. Francis himself, who was much more considerable as a farmer than as an inn-holder. Indeed, he left the latter entirely to the care of his wife, and he acted wisely, I believe, in so doing.

As nothing more remarkable passed on this day I will close it with the account of these two characters, as far as a few days' residence could inform me of them. If they should appear as new to the reader as they did to me, he will not be displeased at finding them here.

This amiable couple seemed to border hard on their grand

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climacteric; nor indeed were they shy of owning enough to fix their ages within a year or two of that time. They appeared to be rather proud of having employed their time well than ashamed of having lived so long; the only reason which I could ever assign why some fine ladies, and fine gentlemen too, should desire to be thought younger than they really are by the contemporaries of their grandchildren. Some, indeed, who too hastily credit appearances, might doubt whether they had made so good a use of their time as I would insinuate, since there was no appearance of any thing but poverty, want, and wretchedness, about their house; nor could they produce any thing to a customer in exchange for his money but a few bottles of *wind*, and spirituous liquors, and some very bad ale, to drink; with rusty bacon and worse cheese to eat. But then it should be considered, on the other side, that whatever they received was almost as entirely clear profit as the blessing of a wreck itself; such an inn being the very reverse of a coffee-house; for here you can neither sit for nothing nor have any thing for your money.

Again, as many marks of want abounded everywhere, so were the marks of antiquity visible. Scarce any thing was to be seen which had not some scar upon it, made by the hand of Time; not an utensil, it was manifest, had been purchased within a dozen years last past; so that whatever money had come into the house during that period at least must have remained in it, unless it had been sent abroad for food, or other perishable commodities; but these were supplied by a small portion of the fruits of the farm, in which the farmer allowed he had a very good bargain. In fact, it is inconceivable what sums may be collected by starving only, and how easy it is for a man to die rich if he will but be contented to live miserable.

Nor is there in this kind of starving any thing so terrible as some apprehend. It neither wastes a man's flesh nor robs him of his cheerfulness. The famous Cornaro's case well proves the contrary; and so did farmer Francis, who was of a round stature, had a plump round face, with a kind of

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smile on it, and seemed to borrow an air of wretchedness rather from his coat's age than from his own.

The truth is, there is a certain diet which emaciates men more than any possible degree of abstinence; though I do not remember to have seen any caution against it, either in Cheney, Arbuthnot, or in any other modern writer on regimen. Nay, the very name is not, I believe, in the learned Dr. James's Dictionary; all which is the more extraordinary as it is a very common food in this kingdom, and the College themselves were not long since very liberally entertained with it by the present attorney and other eminent lawyers, in Lincoln's Inn Hall, and were all made horribly sick by it.

But though it should not be found among our English physical writers, we may be assured of meeting with it among the Greeks; for nothing considerable in nature escapes their notice; though many things considerable in them, it is to be feared, have escaped the notice of their readers. The Greeks then, to all such as feed too voraciously on this diet give the name of HEAUTOFAGI, which our physicians will, I suppose, translate, *men that eat themselves.*

As nothing is so destructive to the body as this kind of food, so nothing is so plentiful and cheap; but it was perhaps the only cheap thing the farmer disliked. Probably living much on fish might produce this disgust; for Diodorus Siculus attributes the same aversion in a people of Æthiopia to the same cause; he calls them the fish-eaters, and asserts, that they cannot be brought to eat a single meal with the Heautofagi by any persuasion, threat, or violence whatever, not even though they should kill their children before their faces.

What hath puzzled our physicians, and prevented them from setting this matter in the clearest light, is possibly one simple mistake, arising from a very excusable ignorance; that the passions of men are capable of swallowing food as well as their appetites; that the former, in feeding, resemble the state of those animals who chew the cud; and

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therefore, such men, in some sense, may be said to prey on themselves, and as it were to devour their own entrails. And hence ensues a meagre aspect, and thin habit of body, as surely as from what is called a consumption.

Our farmer was one of these. He had no more passion than an Ichthuofagus or Æthiopian fisher. He wished not for any thing, thought not of any thing; indeed, he scarce did any thing, or said any thing. Here I cannot be understood strictly; for then I must describe a nonentity, whereas I would rob him of nothing but that free agency which is the cause of all the corruption and of all the misery of human nature. No man, indeed, ever did more than the farmer, for he was an absolute slave to labour all the week; but in truth, as my sagacious reader must have at first apprehended, when I said he resigned the care of the house to his wife, I meant more than I then expressed, even the house and all that belonged to it; for he was really a farmer, only under the direction of his wife. In a word, so composed, so serene, so placid a countenance, I never saw; and he satisfied himself by answering to every question he was asked; "I don't know anything about it, sir; I leaves all that to my wife."

Now as a couple of this kind would, like two vessels of oil, have made no composition in life, and for want of all savour must have palled every taste; Nature, or Fortune, or both of them, took care to provide a proper quantity of acid in the materials that formed the wife, and to render her a perfect helpmate for so tranquil a husband. She abounded in whatsoever he was defective; that is to say, in almost every thing. She was indeed as vinegar to oil, or a brisk wind to a standing-pool, and preserved all from stagnation and corruption.

Quin the player, on taking a nice and severe survey of a fellow-comedian, burst forth into this exclamation, "If that fellow be not a rogue, God Almighty doth not write a legible hand." Whether he guessed right or no, is not worth my while to examine; certain it is, that the latter having wrought his features into a proper harmony to become the

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characters of Iago, Shylock, and others of the same cast, gave us a semblance of truth to the observation, that was sufficient to confirm the wit of it. Indeed, we may remark, in favour of the physiognomist, though the law has made him a rogue and vagabond, that Nature is seldom curious in her works within, without employing some little pains on the outside; and this more particularly in mischievous characters, in forming which, as Mr. Derham observes, in venomous insects, as the sting or saw of a wasp, she is sometimes wonderfully industrious. Now, when she hath thus completely armed our hero to carry on a war with man, she never fails of furnishing that innocent lambkin with some means of knowing his enemy, and foreseeing his designs. Thus she hath been observed to act in the case of a rattle-snake, which never meditates a human prey without giving warning of his approach.

This observation will, I am convinced, hold most true, if applied to the most venomous individuals of human insects. A tyrant, a trickster, and a bully, generally wear the marks of their several dispositions in their countenances; so do the vixen, the shrew, the scold, and all other females of the like kind. But, perhaps, Nature had never afforded a stronger example of all this, than in the case of Mrs. Francis. She was a short, squat woman; her head was closely joined to her shoulders, where it was fixed somewhat awry; every feature of her countenance was sharp and pointed; her face was furrowed with the small-pox; and her complexion, which seemed to be able to turn milk to curds, not a little resembled in colour such milk as had already undergone that operation. She appeared, indeed, to have many symptoms of a deep jaundice in her look; but the strength and firmness of her voice overbalanced them all; the tone of this was a sharp treble at a distance, for I seldom heard it on the same floor; but was usually waked with it in the morning, and entertained with it almost continually through the whole day.

Though vocal be usually put in opposition to instrumental music, I question whether this might not be thought to

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partake of the nature of both; for she played on two instruments, which she seemed to keep for no other use from morning till night; these were two maids, or rather scolding-stocks, who, I suppose, by some means or other, earned their board, and she gave them their lodging *gratis*, or for no other service than to keep her lungs in constant exercise.

She differed, as I have said, in every particular from her husband; but very remarkably in this, that as it was impossible to displease him, so it was as impossible to please her; and as no art could remove a smile from his countenance, so no art could carry it into hers. If her bills were remonstrated against, she was offended with the tacit censure of her fair-dealing; if they were not, she seemed to regard it as a tacit sarcasm on her folly, which might have set down larger prices with the same success. On this latter hint she did indeed improve; for she daily raised some of her articles. A pennyworth of fire was to-day rated at a shilling, to-morrow at eighteenpence; and if she dressed us two dishes for two shillings on the Saturday, we paid half a crown for the cookery of one on the Sunday; and wherever she was paid, she never left the room without lamenting the small amount of her bill; saying, she knew not how it was that others got their money by gentlefolks, but for her part she had not the art of it. When she was asked why she complained, when she was paid all she demanded; she answered, she could not deny that, nor did she know she had omitted any thing; but that it was but a poor bill for gentlefolks to pay.

I accounted for all this by her having heard, that it is a maxim with the principal inn-holders on the Continent to levy considerable sums on their guests who travel with many horses and servants, though such guests should eat little or nothing in their houses; the method being, I believe, in such cases, to lay a capitation on the horses, and not on their masters. But she did not consider, that in most of these inns a very great degree of hunger, without any degree of delicacy, may be satisfied; and that in all such

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inns there is some appearance, at least, of provision, as well as of a man cook to dress it, one of the hostlers being always furnished with a cook's cap, waistcoat, and apron, ready to attend gentlemen and ladies on their summons; that the case therefore of such inns differed from hers, where there was nothing to eat or to drink; and in reality no house to inhabit, no chair to sit upon, nor any bed to lie in; that one third or fourth part therefore of the levy imposed at inns was, in truth, a higher tax than the whole was when laid on in the other, where, in order to raise a small sum, a man is obliged to submit to pay as many various ways for the same thing as he doth to the government for the light which enters through his own window into his own house, from his own estate; such are the articles of bread and beer, firing, eating, and dressing dinner.

The foregoing is a very imperfect sketch of this extraordinary couple; for every thing is here lowered instead of being heightened. Those who would see them set forth in more lively colours, and with the proper ornaments, may read the descriptions of the Furies in some of the classical poets, or of the Stoic philosophers in the works of Lucian.

Monday, July 22. This day nothing remarkable passed; Mrs. Francis levied a tax of fourteen shillings for the Sunday. We regaled ourselves at dinner with venison and good claret of our own; and, in the afternoon, the women, attended by the captain, walked to see a delightful scene two miles distant, with the beauties of which they declared themselves most highly charmed at their return, as well as with the goodness of the lady of the mansion, who had slipped out of the way, that my wife and her company might refresh themselves with the flowers and fruits with which her garden abounded.

Tuesday, July 23. This day, having paid our taxes of yesterday, we were permitted to regale ourselves with more venison. Some of this we would willingly have exchanged for mutton; but no such flesh was to be had nearer than

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Portsmouth, from whence it would have cost more to convey a joint to us, than the freight of a Portugal ham from Lisbon to London amounts to; for though the water-carriage be somewhat cheaper here than at Deal, yet can you find no waterman who will go on board his boat, unless by two or three hours' rowing he can get drunk for the residue of the week.

And here I have an opportunity, which possibly may not offer again, of publishing some observations on that political economy of this nation, which, as it concerns only the regulation of the mob, is below the notice of our great men; though on the due regulation of this order depend many emoluments, which the great men themselves, or at least many who tread close on their heels, may enjoy, as well as some dangers which may some time or other arise from introducing a pure state of anarchy among them. I will represent the case, as it appears to me, very fairly and impartially between the mob and their betters.

The whole mischief which infects this part of our economy, arises from the vague and uncertain use of a word called Liberty, of which as scarce any two men with whom I have ever conversed seem to have one and the same idea, I am inclined to doubt whether there be any simple universal notion represented by this word, or whether it conveys any clearer or more determinate idea, than some of those old Punic compositions of syllables, preserved in one of the comedies of Plautus, but at present, as I conceive, not supposed to be understood by any one.

By Liberty, however, I apprehend, is commonly understood the power of doing what we please; not absolutely, for then it would be inconsistent with law, by whose control the liberty of the freest people, except only the Hottentots and wild Indians, must always be restrained.

But, indeed, however largely we extend, or however moderately we confine, the sense of the word, no politician will, I presume, contend that it is to pervade in an equal degree, and be, with the same extent, enjoyed by every member of society; no such polity having been ever found, unless

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among those vile people just before commemorated. Among the Greeks and Romans, the servile and free conditions were opposed to each other; and no man who had the misfortune to be enrolled under the former could lay any claim to liberty, till the right was conveyed to him by that master whose slave he was, either by the means of conquest, of purchase, or of birth.

This was the state of all the free nations in the world; and this, till very lately, was understood to be the case of our own.

I will not indeed say this is the case at present, the lowest class of our people having shaken off all the shackles of their superiors, and become not only as free, but even freer, than most of their superiors. I believe it cannot be doubted, though, perhaps, we have no recent instance of it, that the personal attendance of every man, who hath three hundred pounds per annum, in parliament is indispensably his duty; and that, if the citizens and burgesses of any city or borough shall choose such a one, however reluctant he appear, he may be obliged to attend, and be forcibly brought to his duty by the serjeant at arms.

Again, there are numbers of subordinate offices, some of which are of burthen, and others of expense, in the civil government; all of which persons, who are qualified, are liable to have imposed on them, may be obliged to undertake and properly execute, notwithstanding any bodily labour, or even danger, to which they may subject themselves, under the penalty of fines and imprisonment; nay, and what may appear somewhat hard, may be compelled to satisfy the losses which are eventually incident to that of sheriff in particular, out of their own private fortunes; and though this should prove the ruin of a family, yet the public, to whom the price is due, incurs no debt or obligation to preserve its officer harmless, let his innocence appear ever so clearly.

I purposely omit the mention of those military or militiary duties, which our old constitution laid upon its greatest members. These might, indeed, supply their posts with some other able-bodied men; but if no such could have been

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found, the obligation nevertheless remained, and they were compellable to serve in their own proper persons.

The only one, therefore, who is possessed of absolute liberty, is the lowest member of the society, who if he prefers hunger, or the wild product of the fields, hedges, lanes, and rivers, with the indulgence of ease and laziness, to a food a little more delicate, but purchased at the expense of labour, may lay himself under a shade; nor can be forced to take the other alternative from that which he hath, I will not affirm whether wisely or foolishly, chosen.

Here I may, perhaps, be reminded of the last vagrant act, where all such persons are compellable to work for the usual and accustomed wages allowed in the place; but this is a clause little known to the justices of the peace, and least likely to be executed by those who do know it, as they know likewise that it is formed on the ancient power of the justices to fix and settle these wages every year, making proper allowances for the scarcity and plenty of the times, the cheapness and dearness of the place; and that *the usual and accustomed wages*, are words without any force or meaning, when there are no such; but every man sponges and raps whatever he can get; and will haggle as long, and struggle as hard to cheat his employer of twopence in a day's labour, as an honest tradesman will to cheat his customers of the same sum in a yard of cloth or silk.

It is a great pity then that this power, or rather this practice, was not revived; but this, having been so long omitted that it is become obsolete, will be best done by a new law, in which this power, as well as the consequent power of forcing the poor to labour at a moderate and reasonable rate, should be well considered and their execution facilitated; for gentlemen, who give their time and labour gratis, and even voluntarily, to the public, have a right to expect that all their business be made as easy as possible; and to enact laws without doing this is to fill our statute-books, much too full already, still fuller with dead letter, of no use but to the printer of the acts of parliament.

That the evil which I have here pointed at is of itself

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worth redressing, is, I apprehend, no subject of dispute; for why should any persons in distress be deprived of the assistance of their fellow-subjects, when they are willing amply to reward them for their labour? or, why should the lowest of the people be permitted to exact ten times the value of their work? For those exactions increase with the degrees of necessity in their object, insomuch that on the former side many are horribly imposed upon, and that often in no trifling matters. I was very well assured that at Deal no less than ten guineas was required, and paid by the supercargo of an Indiaman for carrying him on board two miles from the shore, when she was just ready to sail; so that his necessity, as his pillager well understood, was absolute. Again, many others, whose indignation will not submit to such plunder, are forced to refuse the assistance, though they are often great sufferers by so doing. On the latter side, the lowest of the people are encouraged in laziness and idleness; while they live by a twentieth part of the labour that ought to maintain them, which is diametrically opposite to the interest of the public; for that requires a great deal to be done, not to be paid, for a little. And moreover, they are confirmed in habits of exaction, and are taught to consider the distresses of their superiors as their own fair emolument.

But enough of this matter, of which I at first intended only to convey a hint to those who are alone capable of applying the remedy, though they are the last to whom the notice of those evils would occur, without some such monitor as myself, who am forced to travel about the world in the form of a passenger. I cannot but say I heartily wish our governors would attentively consider this method of fixing the price of labour, and by that means of compelling the poor to work, since the due execution of such powers will, I apprehend, be found the true and only means of making them useful, and of advancing trade, from its present visibly declining state, to the height to which Sir William Petty, in his Political Arithmetic, thinks it capable of being carried.

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In the afternoon the lady of the above-mentioned mansion called at our inn, and left her compliments to us with Mrs. Francis, with an assurance that while we continued wind-bound in that place, where she feared we could be but indifferently accommodated, we were extremely welcome to the use of any thing which her garden or her house afforded. So polite a message convinced us, in spite of some arguments to the contrary, that we were not on the coast of Africa, or on some island where the few savage inhabitants have little of human in them besides their form.

And here I mean nothing less than to derogate from the merit of this lady, who is not only extremely polite in her behaviour to strangers of her own rank, but so extremely good and charitable to all her poor neighbours who stand in need of her assistance, that she hath the universal love and praises of all who live near her. But, in reality, how little doth the acquisition of so valuable a character, and the full indulgence of so worthy a disposition, cost those who possess it! Both are accomplished by the very offals which fall from a table moderately plentiful. That they are enjoyed therefore by so few, arises truly from there being so few who have any such disposition to gratify, or who aim at any such character.

Wednesday, July 24. This morning, after having been mulcted as usual, we despatched a servant with proper acknowledgments of the lady's goodness; but confined our wants entirely to the productions of her garden. He soon returned, in company with the gardener, both richly laden with almost every particular which a garden at this most fruitful season of the year produces.

While we were regaling ourselves with these, towards the close of our dinner, we received orders from our commander, who had dined that day with some inferior officers on board a man of war, to return instantly to the ship; for that the wind was become favourable, and he should weigh that evening. These orders were soon followed by the captain himself, who was still in the utmost hurry, though the occasion of it had long since ceased; for the wind had,

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indeed, a little shifted that afternoon, but was before this very quietly set down in its old quarters.

This last was a lucky hit for me; for, as the captain, to whose orders we resolved to pay no obedience, unless delivered by himself, did not return till past six; so much time seemed requisite to put up the furniture of our bed-chamber, or dining-room, for almost every article, even to some of the chairs, were either our own or the captain's property; so much more in conveying it as well as myself, as dead a luggage as any, to the shore, and thence to the ship, that the night threatened first to overtake us. A terrible circumstance to me, in my decayed condition; especially as very heavy showers of rain, attended with a high wind, continued to fall incessantly; the being carried through which two miles in the dark, in a wet and open boat, seemed little less than certain death.

However, as my commander was absolute, his orders peremptory, and my obedience necessary, I resolved to avail myself of a philosophy which hath been of notable use to me in the latter part of my life, and which is contained in this hemistich of Virgil,

——"*Superanda omnis fortuna ferendo est.*"

The meaning of which, if Virgil had any, I think I rightly understood, and rightly applied.

As I was therefore to be entirely passive in my motion, I resolved to abandon myself to the conduct of those who were to carry me into a cart when it returned from unloading the goods.

But before this, the captain perceiving what had happened in the clouds, and that the wind remained as much his enemy as ever, came up stairs to me, with a reprieve till the morning. This was, I own, very agreeable news, and I little regretted the trouble of refurnishing my apartment, by sending back for the goods.

Mrs. Francis was not well-pleased with this. As she understood the reprieve to be only till the morning, she saw nothing but lodging to be possibly added, out of which

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she was to deduct fire and candle, and the remainder, she thought, would scarce pay her for her trouble. She exerted therefore all the ill-humour of which she was mistress, and did all she could to thwart and perplex every thing during the whole evening.

Thursday, July 25. Early in the morning the captain, who had remained on shore all night, came to visit us, and to press us to make haste on board. "I am resolved," says he, "not to lose a moment, now the wind is coming about fair; for my own part, I never was surer of a wind in all my life." I use his very words; nor will I presume to interpret or comment upon them farther than by observing that they were spoke in the utmost hurry.

We promised to be ready as soon as breakfast was over; but this was not so soon as was expected; for in removing our goods, the evening before, the tea-chest was unhappily lost.

Every place was immediately searched, and many where it was impossible for it to be; for this was a loss of much greater consequence than it may at first seem to many of my readers. Ladies and valetudinarians do not easily dispense with the use of this sovereign cordial, in a single instance; but to undertake a long voyage without any probability of being supplied with it the whole way, was above the reach of patience. And yet, dreadful as this calamity was, it seemed unavoidable. The whole town of Ryde could not supply a single leaf; for as to what Mrs. Francis and the shop called by that name, it was not of Chinese growth. It did not indeed in the least resemble tea, either in smell or taste, or in any particular, unless in being a leaf; for it was in truth no other than a tobacco of the mundungus species. And as for the hopes of relief in any other port, they were not to be depended upon; for the captain had positively declared he was sure of a wind, and would let go his anchor no more till he arrived in the Tajo.

When a good deal of time had been spent, most of it indeed wasted on this occasion, a thought occurred, which every one wondered at its not having presented itself the

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first moment. This was to apply to the good lady, who could not fail of pitying and relieving such distress. A messenger was immediately despatched, with an account of our misfortune, till whose return we employed ourselves in preparatives for our departure, that we might have nothing to do but to swallow our breakfast when it arrived. The tea-chest, though of no less consequence to us than the military-chest to a general, was given up as lost, or rather as stolen; for though I would not, for the world, mention any particular name, it is certain we had suspicions, and all, I am afraid, fell on the same person.

The man returned from the worthy lady with much expedition, and brought with him a canister of tea, despatched with so true a generosity, as well as politeness, that if our voyage had been as long again we should have incurred no danger of being brought to a short allowance in this most important article. At the very same instant likewise arrived William the footman, with our own tea-chest. It had been, indeed, left in the hoy, when the other goods were re-landed, as William, when he first heard it was missing, had suspected; and whence, had not the owner of the hoy been unluckily out of the way, he had retrieved it soon enough to have prevented our giving the lady an opportunity of displaying some part of her goodness.

To search the hoy was, indeed, too natural a suggestion to have escaped any one, nor did it escape being mentioned by many of us; but we were dissuaded from it by my wife's maid, who perfectly well remembered she had left the chest in the bed-chamber; for that she had never given it out of her hand in her way to or from the hoy; but William perhaps knew the maid better, and best understood how far she was to be believed; for otherwise he would hardly of his own accord, after hearing her declaration, have hunted out the hoy-man, with much pains and difficulty.

Thus ended this scene, which begun with such appearance of distress, and ended with becoming the subject of mirth and laughter.

Nothing now remained but to pay our taxes, which were

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indeed laid with inconceivable severity. Lodging was raised sixpence, fire in the same proportion, and even candles, which had hitherto escaped, were charged with a wantonness of imposition, from the beginning, and placed under the style of oversight. We were raised a whole pound, whereas we had only burnt ten, in five nights, and the pound consisted of twenty-four.

Lastly, an attempt was made which almost as far exceeds human credulity to believe as it did human patience to submit to. This was to make us pay as much for existing an hour or two as for existing a whole day; and dressing dinner was introduced as an article, though we left the house before either pot or spit had approached the fire. Here I own my patience failed me, and I became an example of the truth of the observation, "That all tyranny and oppression may be carried too far, and that a yoke may be made too intolerable for the neck of the tamest slave." When I remonstrated, with some warmth, against this grievance, Mrs. Francis gave me a look, and left the room without making any answer. She returned in a minute, running to me with pen, ink, and paper, in her hand, and desired me to make my own bill; "for she hoped," she said, "I did not expect that her house was to be dirtied, and her goods spoiled and consumed, for nothing. The whole is but thirteen shillings. Can gentlefolks lie a whole night at a public-house for less? If they can, I am sure it is time to give off being a landlady; but pay me what you please; I would have people know that I value money as little as other folks. But I was always a fool, as I says to my husband, and never knows which side my bread is buttered of. And yet to be sure your honour shall be my warning not to be bit so again. Some folks knows better than øther some how to make their bills. Candles! why, yes, to be sure; why should not travellers pay for candles? I am sure I pays for my candles, and the chandler pays the king's majesty for them; and if he did not I must, so as it comes to the same thing in the end. To be sure I am out of sixteens at present, but these burn as white and as clear, though not quite so large. I

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expects my chandler here soon, or I would send to Portsmouth, if your honour was to stay any time longer. But when folks stays only for a wind, you knows there can be no dependence on such!" Here she put on a little slyness of aspect, and seemed willing to submit to interruption. I interrupted her, accordingly, by throwing down half a guinea, and declared I had no more English money, which was indeed true, and as she could not immediately change the thirty-six shilling pieces, it put a final end to the dispute. Mrs. Francis soon left the room, and we soon after left the house; nor would this good woman see us, or wish us a good voyage.

I must not, however, quit this place, where we had been so ill-treated, without doing it impartial justice, and recording what may, with the strictest truth, be said in its favour.

First, then, as to its situation, it is, I think, most delightful, and in the most pleasant spot in the whole island. It is true it wants the advantage of that beautiful river which leads from Newport to Cowes; but the prospect here extending to the sea, and taking in Portsmouth, Spithead, and St. Helen's, would be more than a recompense for the loss of the Thames itself, even in the most delightful part of Berkshire or Buckinghamshire, though another Denham, or another Pope, should unite in celebrating it. For my own part, I confess myself so entirely fond of a sea prospect that I think nothing on the land can equal it; and if it be set off with shipping, I desire to borrow no ornament from the *terra firma*. A fleet of ships is, in my opinion, the noblest object which the art of man hath ever produced; and far beyond the power of those architects who deal in brick, in stone, or in marble.

When the late Sir Robert Walpole, one of the best of men and of ministers, used to equip us a yearly fleet at Spithead, his enemies of taste must have allowed that he, at least, treated the nation with a fine sight for their money. A much finer, indeed, than the same expense in an encampment could have produced. For what, indeed, is the best

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idea which the prospect of a number of huts can furnish to the mind, but of a number of men forming themselves into a society before the art of building more substantial houses was known? This, perhaps, would be agreeable enough; but in truth, there is a much worse idea ready to step in before it, and that is of a body of cut-throats, the supports of tyranny, the invaders of the just liberties and properties of mankind, the plunderers of the industrious, the ravishers of the chaste, the murderers of the innocent, and, in a word, the destroyers of the plenty, the peace, and the safety, of their fellow-creatures.

And what, it may be said, are these men of war, which seem so delightful an object to our eyes? Are they not alike the support of tyranny, and oppression of innocence, carrying with them desolation and ruin wherever their masters please to send them? This is indeed too true, and however the ship of war may, in its bulk and equipment, exceed the honest merchantman, I heartily wish there was no necessity for it; for though I must own the superior beauty of the object on one side, I am more pleased with the superior excellence of the idea which I can raise in my mind on the other; while I reflect on the art and industry of mankind, engaged in the daily improvements of commerce, to the mutual benefit of all countries, and to the establishment and happiness of social life.

This pleasant village is situated on a gentle ascent from the water, whence it affords that charming prospect I have above described. Its soil is a gravel, which, assisted with its declivity, preserves it always so dry, that immediately after the most violent rain a fine lady may walk without wetting her silken shoes. The fertility of the place is apparent from its extraordinary verdure, and it is so shaded with large and flourishing elms, that its narrow lanes are a natural grove or walk, which, in the regularity of its plantation, vies with the power of art, and in its wanton exuberancy greatly exceeds it.

In a field in the ascent of this hill, about a quarter of a mile from the sea, stands a neat little chapel. It is very small,

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but adequate to the number of inhabitants; for the parish doth not seem to contain above thirty houses.

At about two miles distant from this parish lives that polite and good lady to whose kindness we were so much obliged. It is placed on a hill, whose bottom is washed by the sea, and which, from its eminence at top, commands a view of great part of the island, as well as it does that of the opposite shore. This house was formerly built by one Boyce, who, from a blacksmith at Gosport, became possessed, by great success in smuggling, of forty thousand pounds. With part of this he purchased an estate here, and, by chance probably, fixed on this spot for building a large house. Perhaps the convenience of carrying on his business, to which it is so well adapted, might dictate the situation to him. We can hardly, at least, attribute it to the same taste with which he furnished his house, or at least his library, by sending an order to a bookseller in London to pack him up five hundred pounds' worth of his handsomest books. They tell here several almost incredible stories of the ignorance, the folly, and the pride, which this poor man and his wife discovered during the short continuance of his prosperity; for he did not long escape the sharp eyes of the revenue solicitors, and was by extents from the Court of Exchequer soon reduced below his original state to that of confinement in the Fleet. All his effects were sold, and among the rest, his books by an auction at Portsmouth, for a very small price; for the bookseller was now discovered to have been perfectly a master of his trade, and, relying on Mr. Boyce's finding little time to read, had sent him not only the most lasting wares of his shop, but duplicates of the same, under different titles.

His estate and house were purchased by a gentleman of these parts, whose widow now enjoys them, and who hath improved them, particularly her gardens, with so elegant a taste, that the painter who would assist his imagination in the composition of a most exquisite landscape, or the poet who would describe an earthly paradise, could no where furnish themselves with a richer pattern.

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We left this place about eleven in the morning, and were again conveyed, with more sunshine than wind, aboard our ship.

Whence our captain had acquired his power of prophecy, when he promised us and himself a prosperous wind, I will not determine; it is sufficient to observe that he was a false prophet, and that the weathercocks continued to point as before.

He would not, however, so easily give up his skill in prediction. He persevered in asserting that the wind was changed, and, having weighed his anchor, fell down that afternoon to St. Helen's, which was at about the distance of five miles; and whither his friend the tide, in defiance of the wind, which was most manifestly against him, softly wafted him in as many hours.

Here, about seven in the evening, before which time we could not procure it, we sat down to regale ourselves with some roasted venison, which was much better dressed than we imagined it would be, and an excellent cold pasty which my wife had made at Ryde, and which we had reserved uncut to eat on board our ship, whither we all cheerfully exulted in being returned from the presence of Mrs. Francis, who, by the exact resemblance she bore to a fury, seemed to have been with no great propriety settled in Paradise.

Friday, July 24. As we passed by Spithead on the preceding evening we saw the two regiments of soldiers who were just returned from Gibraltar and Minorca; and this day a lieutenant belonging to one of them, who was the captain's nephew, came to pay a visit to his uncle. He was what is called by some a very pretty fellow; indeed, much too pretty a fellow at his years; for he was turned of thirty-four, though his address and conversation would have become him more before he had reached twenty. In his conversation, it is true, there was something military enough, as it consisted chiefly of oaths, and of the great actions and wise sayings of Jack, and Will, and Tom of our regiment, a phrase eternally in his mouth; and he seemed

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to conclude that it conveyed to all the officers such a degree of public notoriety and importance that it entitled him, like the head of a profession, or a first minister, to be the subject of conversation among those who had not the least personal acquaintance with him. This did not much surprise me, as I have seen several examples of the same; but the defects in his address, especially to the women, were so great, that they seemed absolutely inconsistent with the behaviour of a pretty fellow, much less of one in a red coat; and yet, besides having been eleven years in the army, he had had, as his uncle informed me, an education in France. This, I own, would have appeared to have been absolutely thrown away, had not his animal spirits, which were likewise thrown away upon him in great abundance, borne the visible stamp of the growth of that country. The character to which he had an indisputable title was that of a merry fellow; so very merry was he that he laughed at every thing he said, and always before he spoke. Possibly, indeed, he often laughed at what he did not utter, for every speech began with a laugh, though it did not always end with a jest. There was no great analogy between the characters of the uncle and the nephew, and yet they seemed entirely to agree in enjoying the honour which the red coat did to his family. This the uncle expressed with great pleasure in his countenance, and seemed desirous of showing all present the honour which he had for his nephew, who, on his side, was at some pains to convince us of his concurring in this opinion, and, at the same time, of displaying the contempt he had for the parts, as well as the occupation, of his uncle, which he seemed to think reflected some disgrace on himself, who was a member of that profession which makes every man a gentleman. Not that I would be understood to insinuate, that the nephew endeavoured to shake off or disown his uncle, or indeed, to keep him at any distance. On the contrary, he treated him with the utmost familiarity, often calling him Dick, and dear Dick, and old Dick, and frequently beginning an oration with d—n me, Dick.

All this condescension on the part of the young man was

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received with suitable marks of complaisance and obligation by the old one; especially, when it was attended with evidences of the same familiarity with general officers, and other persons of rank; one of whom, in particular, I know to have the pride and insolence of the Devil himself, and who, without some strong bias of interest, is no more liable to converse familiarly with a lieutenant, than of being mistaken in his judgment of a fool; which was not, perhaps, so certainly the case of the worthy lieutenant, who, in declaring to us the qualifications which recommended men to his countenance and conversation, as well as what effectually set a bar to all hopes of that honour, exclaimed, "No, sir, by the D—, I hate all fools—No, d—n me, excuse me for that. That's a little too much, old Dick. There are two or three officers of our regiment, whom I know to be fools; but d—n me, if I am ever seen in their company. If a man hath a fool of a relation, Dick, you know he can't help that, old boy."

Such jokes as these the old man not only took in good part, but glibly gulped down the whole narrative of his nephew; nor did he, I am convinced, in the least doubt of our as readily swallowing the same. This made him so charmed with the lieutenant, that it is probable we should have been pestered with him the whole evening, had not the north wind, dearer to our sea-captain than even this glory of his family, sprung suddenly up, and called aloud to him to weigh his anchor.

While this ceremony was performing, the sea-captain ordered out his boat to row the land-captain to shore; not indeed on an uninhabited island, but one which, in this part, looked but little better, not presenting us the view of a single house. Indeed, our old friend, when his boat returned on shore, perhaps being no longer able to stifle his envy of the superiority of his nephew, told us, with a smile, that the young man had a good five mile to walk, before he could be accommodated with a passage to Portsmouth.

It appeared now, that the captain had been only mistaken in the date of his prediction, by placing the event a day earlier than it happened; for the wind which now arose,

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was not only favourable, but brisk, and was no sooner in reach of our sails than it swept us away by the back of the Isle of Wight, and having in the night carried us by Christ Church and Peveral Point, brought us the next noon, *Saturday, July 27*, off the island of Portland, so famous for the smallness and sweetness of its mutton, of which a leg seldom weighs four pounds. We would have bought a sheep, but our captain would not permit it; though he needed not have been in such a hurry, for presently the wind, I will not positively assert in resentment of his surliness, showed him a dog's trick, and slyly slipped back again to his summer-house in the south-west.

The captain now grew outrageous, and declaring open war with the wind, took a resolution, rather more bold than wise, of sailing in defiance of it, and in its teeth. He swore he would let go his anchor no more, but would beat the sea while he had either yard or sail left. He accordingly stood from the shore, and made so large a tack, that before night, though he seemed to advance but little on his way, he was got out of sight of land.

Towards the evening, the wind began, in the captain's own language, and, indeed, it freshened so much, that before ten it blew a perfect hurricane.

The captain having got, as he supposed, to a safe distance, tacked again towards the English shore; and now the wind veered a point only in his favour, and continued to blow with such violence, that the ship ran above eight knots or miles an hour, during this whole day and tempestuous night, till bed-time. I was obliged to betake myself once more to my solitude; for my women were again all down in their sea-sickness, and the captain was busy on deck; for he began to grow uneasy, chiefly, I believe, because he did not well know where he was, and would, I am convinced, have been very glad to have been in Portland Road, eating some sheep's-head broth.

Having contracted no great degree of good humour by living a whole day alone, without a single soul to converse with, I took but ill physic to purge it off by a bed

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conversation with the captain; who, amongst many bitter lamentations of his fate, and protesting he had more patience than a Job, frequently intermixed summons to the commanding officer on the deck, who now happened to be one Morrison, a carpenter, the only fellow that had either common sense or common civility in the ship. Of Morrison he inquired every quarter of an hour concerning the state of affairs; the wind, the care of the ship, and other matters of navigation. The frequency of these summons, as well as the solicitude with which they were made, sufficiently testified the state of the captain's mind; he endeavoured to conceal it, and would have given no small alarm to a man, who had either not learned what it is to die, or known what it is to be miserable. And my dear wife and child must pardon me, if, what I did not conceive to be any great evil to myself, I was not much terrified with the thoughts of happening to them; in truth, I have often thought they are both too good, and too gentle, to be trusted to the power of any man I know, to whom they could possibly be so trusted.

Can I say then I had no fear? indeed, I cannot, reader, I was afraid for thee, lest thou shouldst have been deprived of that pleasure thou art now enjoying; and that I should not live to draw out on paper that military character which thou didst peruse in the journal of yesterday.

From all these fears we were relieved, at six in the morning, by the arrival of Mr. Morrison, who acquainted us that he was sure he beheld land very near; for he could not see half a mile, by reason of the haziness of the weather. This land, he said, was, he believed, the Berry Head, which forms one side of Torbay; the captain declared that it was impossible, and swore, on condition he was right, he would give him his mother for a maid. A forfeit which became afterwards strictly due, and payable; for the captain whipping on his nightgown, ran up without his breeches, and within half an hour returning into the cabin, wished me joy of our lying safe at anchor in the bay.

Sunday, July 28. Things now began to put on an aspect

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very different from what they had lately worn; the news that the ship had almost lost its mizen, and that we had procured very fine clotted cream and fresh bread and butter from the shore, restored health and spirits to our women, and we all sat down to a very cheerful breakfast.

But however pleasant our stay promised to be here, we were all desirous it should be short: I resolved immediately to despatch my man into the country, to purchase a present of cyder for my friends of that which is called Southam, as well as to take with me a hogshead of it to Lisbon; for it is, in my opinion, much more delicious than that which is the growth of Herefordshire. I purchased three hogsheads for five pounds ten shillings, all which I should have scarce thought worth mentioning, had I not believed it might be of equal service to the honest farmer who sold it me, and who is by the neighbouring gentlemen reputed to deal in the very best; and to the reader, who from ignorance of the means of providing better for himself, swallows at a dearer rate the juice of Middlesex turnip, instead of that Vinum Pomonæ, which Mr. Giles Leverance of Cheeshurst, near Dartmouth in Devon, will, at the price of forty shillings per hogshead, send in double casks to any part of the world. Had the wind been very sudden in shifting, I had lost my cyder, by an attempt of a boatman to exact, according to custom. He required five shillings for conveying my man a mile and a half to the shore, and four more if he stayed to bring him back again. This I thought to be such insufferable impudence, that I ordered him to be immediately chased from the ship, without any answer. Indeed, there are few inconveniences that I would not rather encounter than encourage the insolent demands of these wretches, at the expense of my own indignation, of which I own they are not the only objects, but rather those who purchase a paltry convenience by encouraging them. But of this I have already spoken very largely. I shall conclude, therefore, with the leave which this fellow took of our ship; saying, he should know it again, and would not put off from the shore to relieve it in any distress whatever.

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It will, doubtless, surprise many of my readers to hear, that when we lay at anchor within a mile or two of a town, several days together, and even in the most temperate weather, we should frequently want fresh provisions and herbage, and other emoluments of the shore, as much as if we had been a hundred leagues from land. And this too, while numbers of boats were in our sight, whose owners get their livelihood by rowing people up and down, and could be at any time summoned by a signal to our assistance, and while the captain had a little boat of his own, with men always ready to row it at his command.

This, however, hath been partly accounted for already, by the imposing disposition of the people; who asked so much more than the proper price of their labour. And as to the usefulness of the captain's boat, it requires to be a little expatiated upon, as it will tend to lay open some of the grievances which demand the utmost regard of our legislature, as they affect the most valuable part of the king's subjects, those by whom the commerce of the nation is carried into execution.

Our captain then, who was a very good and experienced seaman, having been above thirty years the master of a vessel, part of which he had served, so he phrased it, as commander of a privateer; and had discharged himself with great courage and conduct, and with as great success, discovered the utmost aversion to the sending his boat ashore, whenever we lay wind-bound in any of our harbours. This aversion did not arise from any fear of wearing out his boat by using it, but was, in truth, the result of experience, that it was easier to send his men on shore than to recall them. They acknowledged him to be their master while they remained on ship-board, but did not allow his power to extend to the shores, where they had no sooner set their foot, than every man became *sui juris*, and thought himself at full liberty to return when he pleased. Now it is not any delight that these fellows have in the fresh air, or verdant fields on the land. Every one of them would prefer his ship and his hammock to all the sweets of Arabia the Happy; but

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unluckily for them, there are in every sea-port in England certain houses, whose chief livelihood depends on providing entertainment for the gentlemen of the jacket. For this purpose, they are always well furnished with those cordial liquors, which do immediately inspire the heart with gladness, banishing all careful thoughts, and, indeed, all others, from the mind, and opening the mouth with songs of cheerfulness and thanksgiving, for the many wonderful blessings with which a sea-faring life overflows.

For my own part, however whimsical it may appear, I confess I have thought the strange story of Circe in the Odyssey, no other than an ingenious allegory; in which Homer intended to convey to his countrymen the same kind of instruction which we intend to communicate to our own in this digression. As teaching the art of war to the Greeks was the plain design of the Iliad; so was teaching them the art of navigation the no less manifest intention of the Odyssey. For the improvement of this, their situation was most excellently adapted; and accordingly we find Thucydides, in the beginning of his history, considers the Greeks as a set of pirates or privateers, plundering each other by sea. This being probably the first institution of commerce before the Ars Cauponaria was invented, and merchants, instead of robbing, began to cheat and outwit each other, and by degrees changed the Metaleptic, the only kind of traffic allowed by Aristotle in his Politics, into the Chrematistic.

By this allegory then I suppose Ulysses to have been the captain of a merchant-ship, and Circe some good ale-wife, who made his crew drunk with the spirituous liquors of those days. With this the transformation into swine, as well as all other incidents of the fable, will notably agree; and thus a key will be found out for unlocking the whole mystery, and forging, at least, some meaning to a story, which, at present, appears very strange and absurd.

Hence, moreover, will appear the very near resemblance between the sea-faring men of all ages and nations; and here perhaps may be established the truth and justice of that observation, which will occur oftener than once in this

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voyage, that all human flesh is not the same flesh, but that there is one kind of flesh of landmen, and another of seamen.

Philosophers, divines, and others, who have treated the gratification of human appetites with contempt, have, among other instances, insisted very strongly on that satiety which is so apt to overtake them, even in the very act of enjoyment. And here they more particularly deserve our attention, as most of them may be supposed to speak from their own experience; and very probably gave us their lessons with a full stomach. Thus hunger and thirst, whatever delight they may afford while we are eating and drinking, pass both away from us with the plate and the cup; and though we should imitate the Romans, if, indeed, they were such dull beasts, which I can scarce believe, to unload the belly like a dung-pot, in order to fill it again with another load, yet would the pleasure be so considerably lessened, that it would scarce repay us the trouble of purchasing it with swallowing a basin of camomile tea. A second haunch of venison, or a second dose of turtle, would hardly allure a city glutton with its smell. Even the celebrated Jew himself, when well filled with calipash and calipee, goes contentedly home to tell his money, and expects no more pleasure from his throat during the next twenty-four hours. Hence I suppose Dr. South took that excellent comparison of the joys of a speculative man to the solemn silence of an Archimedes over a problem, and those of a glutton to the stillness of a sow at her wash. A simile, which, if it became the pulpit at all, could only become it in the afternoon.

Whereas, in those potations which the mind seems to enjoy, rather than the bodily appetite, there is happily no such satiety; but the more a man drinks, the more he desires; as if, like Mark Anthony in Dryden, his appetite increased with feeding, and this to such an immoderate degree, *ut nullus sit desiderio aut pudor aut modus.* Hence, as with the gang of Captain Ulysses, ensues so total a transformation, that the man no more continues what he was. Perhaps, he ceases for a time to be at all; or, though he may retain the same outward form and figure he had before,

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yet is his nobler part, as we are taught to call it, so changed, that, instead of being the same man, he scarce remembers what he was a few hours before. And this transformation, being once obtained, is so easily preserved by the same potations, which induced no satiety, that the captain in vain sends or goes in quest of his crew. They know him no longer; or, if they do, they acknowledge not his power, having indeed as entirely forgotten themselves as if they had taken a large draught of the river of Lethe.

Nor is the captain always sure of even finding out the place to which Circe hath conveyed them. There are many of those houses in every port-town. Nay, there are some where the sorceress doth not trust only to her drugs; but hath instruments of a different kind to execute her purposes, by whose means the tar is effectually secreted from the knowledge and pursuit of his captain. This would, indeed, be very fatal, was it not for one circumstance; that the sailor is seldom provided with the proper bait for these harpies. However, the contrary sometimes happens, as these harpies will bite at almost any thing, and will snap at a pair of silver buttons, or buckles, as surely as at the specie itself. Nay, sometimes they are so voracious, that the very naked hook will go down, and the jolly young sailor is sacrificed for his own sake.

In vain, at such a season as this, would the vows of a pious heathen have prevailed over Neptune, Æolus, or any other marine deity. In vain would the prayers of a Christian captain be attended with the like success. The wind may change how it pleases, while all hands are on shore; the anchor would remain firm in the ground, and the ship would continue in durance, unless, like other forcible prison-breakers, it forcibly got loose for no good purpose.

Now, as the favour of winds and courts, and such like, is always to be laid hold on at the very first motion, for within twenty-four hours all may be changed again; so, in the former case, the loss of a day may be the loss of a voyage: for, though it may appear to persons not well skilled in navigation, who see ships meet and sail by each

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other, that the wind blows sometimes east and west, north and south, backwards and forwards, at the same instant; yet, certain it is, that the land is so contrived, that even the same wind will not, like the same horse, always bring a man to the end of his journey; but, that the gale which the mariner prayed heartily for yesterday, he may as heartily deprecate to-morrow; while all use and benefit, which would have arisen to him from the westerly wind of to-morrow, may be totally lost and thrown away, by neglecting the offer of the easterly blast which blows to-day.

Hence ensues grief and disreputation to the innocent captain, loss and disappointment to the worthy merchant, and not seldom great prejudice to the trade of a nation, whose manufactures are thus liable to lie unsold in a foreign warehouse, the market being forestalled by some rival whose sailors are under a better discipline. To guard against these inconveniences the prudent captain takes every precaution in his power; he makes the strongest contracts with his crew, and thereby binds them so firmly, that none but the greatest or least of men can break through them with impunity; but for one of these two reasons, which I will not determine, the sailor, like his brother fish the eel, is too slippery to be held, and plunges into his element with perfect impunity.

To speak a plain truth, there is no trusting to any contract with one whom the wise citizens of London call a bad man; for, with such a one, though your bond be ever so strong, it will prove in the end good for nothing.

What then is to be done in this case? What, indeed! but to call in the assistance of that tremendous magistrate, the justice of peace, who can, and often doth, lay good and bad men in equal durance; and though he seldom cares to stretch his bonds to what is great, never finds any thing too minute for their detention, but will hold the smallest reptile alive so fast in his noose, that he can never get out till he is let drop through it.

Why, therefore, upon the breach of those contracts, should not an immediate application be made to the nearest

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magistrate of this order, who should be empowered to convey the delinquent either to ship or to prison, at the election of the captain, to be fettered by the leg in either place?

But, as the case now stands, the condition of this poor captain, without any commission, and of this absolute commander without any power, is much worse than we have hitherto shown it to be; for, notwithstanding all the aforesaid contracts to sail in the good ship the Elizabeth, if the sailor should, for better wages, find it more his interest to go on board the better ship the Mary, either before their setting out, or on their speedy meeting in some port, he may prefer the latter without any other danger than that of "doing what he ought not to have done," contrary to a rule which he is seldom Christian enough to have much at heart, while the captain is generally too good a Christian to punish a man out of revenge only, when he is to be at a considerable expense for so doing. There are many other deficiencies in our laws relating to maritime affairs, and which would probably have been long since corrected, had we any seamen in the House of Commons. Not that I would insinuate that the legislature wants a supply of many gentlemen in the sea-service; but, as these gentlemen are, by their attendance in the House, unfortunately prevented from ever going to sea, and there learning what they might communicate to their landed brethren, these latter remain as ignorant in that branch of knowledge as they would be if none but courtiers and fox-hunters had been elected into parliament, without a single fish among them. The following seems to me to be an effect of this kind, and it strikes me the stronger as I remember the case to have happened, and remember it to have been dispunishable. A captain of a trading vessel, of which he was part owner, took in a large freight of oats at Liverpool, consigned to the market at Bear-key; this he carried to a port in Hampshire, and there sold it as his own, and, freighting his vessel with wheat for the port of Cadiz, in Spain, dropped it at Oporto in his way; and there, selling it for his own use, took in a lading of wine, with which he sailed again, and, having

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converted it in the same manner, together with a large sum of money with which he was intrusted, for the benefit of certain merchants, sold the ship and cargo in another port, and then wisely sat down contented with the fortune he had made, and returned to London to enjoy the remainder of his days, with the fruits of his former labours, and a good conscience.

The sum he brought home with him consisted of near six thousand pounds, all in specie, and most of it in that coin which Portugal distributes so liberally over Europe.

He was not yet old enough to be past all sense of pleasure, nor so puffed up with the pride of his good fortune as to overlook his old acquaintances the journeymen tailors, from among whom he had been formerly pressed into the sea-service, and having there laid the foundation of his future success, by his shares in prizes, had afterwards become captain of a trading vessel, in which he purchased an interest, and had soon begun to trade in the honourable manner above mentioned.

The captain now took up his residence at an ale-house in Drury Lane, where, having all his money by him in a trunk, he spent about five pounds a day among his old friends the gentlemen and ladies of those parts.

The merchant of Liverpool having luckily had notice from a friend, during the blaze of his fortune, did, by the assistance of a justice of the peace, without the assistance of the law, recover his whole loss. The captain, however, wisely chose to refund no more; but, perceiving with what hasty strides Envy was pursuing his fortune, he took speedy means to retire out of her reach, and to enjoy the rest of his wealth in an inglorious obscurity; nor could the same justice overtake him time enough to assist a second merchant, as he had done the first.

This was a very extraordinary case, and the more so as the ingenious gentleman had steered entirely clear of all crimes in our law.

Now, how it comes about that a robbery, so very easy to be committed, and to which there is such immediate

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temptation always before the eyes of these fellows, should receive the encouragement of impunity, is to be accounted for only from the oversight of the legislature, as that oversight can only be, I think, derived from the reasons I have assigned for it.

But I will dwell no longer on this subject. If what I have here said should seem of sufficient consequence to engage the attention of any man in power, and should thus be the means of applying any remedy to the most inveterate evils; at least, I have obtained my whole desire, and shall have lain so long wind-bound in the ports of this kingdom to some purpose. I would indeed have this work, which, if I should live to finish it, a matter of no great certainty, if indeed of any great hope to me, will be probably the last I shall ever undertake, to produce some better end than the mere diversion of the reader.

Monday. This day our captain went ashore, to dine with a gentleman who lives in these parts, and who so exactly resembles the character given by Homer of Axylus, that the only difference I can trace between them is, the one living by the highway, erected his hospitality chiefly in favour of land travellers; and the other, living by the water-side, gratified his humanity by accommodating the wants of the mariner.

In the evening our commander received a visit from a brother bashaw, who lay wind-bound in the same harbour. This latter captain was a Swiss. He was then master of a vessel bound to Guinea, and had formerly been a privateering, when our own hero was employed in the same laudable service. The honesty and freedom of the Switzer, his vivacity, in which he was in no respect inferior to his near neighbours the French, the awkward and affected politeness, which was likewise of French extraction, mixed with the brutal roughness of the English tar (for he had served under the colours of this nation, and his crew had been of the same) made such an odd variety, such a hotch potch of character, that I should have been much diverted with him, had not his voice, which was as loud as a speaking

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trumpet, unfortunately made my head ache. The noise which he conveyed into the deaf ears of his brother captain, who sat on one side of him, the soft addresses with which, mixed with awkward bows, he saluted the ladies on the other, were so agreeably contrasted, that a man must not only have been void of all taste of humour, and insensible of mirth, but duller than Cibber is represented in the Dunciad, who could be unentertained with him a little while; for, I confess, such entertainments should always be very short, as they are very liable to pall. But he suffered not this to happen at present; for, having given us his company a quarter of an hour only, he retired, after many apologies for the shortness of his visit.

Tuesday. The wind being less boisterous than it had hitherto been since our arrival here, several fishing-boats, which the tempestuous weather yesterday had prevented from working, came on board us with fish. This was so fresh, so good in kind, and so very cheap, that we supplied ourselves in great numbers, among which were very large soles at fourpence a pair, and whitings, of almost a preposterous size, at ninepence a score.

The only fish which bore any price was a John Dorée; as it is called. I bought one of at least four pounds weight for as many shillings. It resembles a turbot in shape, but exceeds it in firmness and flavour. The price had the appearance of being considerable, when opposed to the extraordinary cheapness of others of value; but was, in truth, so very reasonable, when estimated by its goodness, that it left me under no other surprise than how the gentlemen of this country, not greatly eminent for the delicacy of their taste, had discovered the preference of the dorée to all other fish: but I was informed that Mr. Quin, whose distinguishing tooth hath been so justly celebrated, had lately visited Plymouth, and had done those honours to the dorée which are so justly due to it from that sect of modern philosophers who, with Sir Epicure Mammon, or Sir Epicure Quin, their head, seem more to delight in a fish-pond than in a garden, as the old Epicureans are said to have done.

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Unfortunately for the fishmongers of London the dorée resides only in those seas; for could any of this company but convey one to the temple of luxury under the Piazza, where Macklin the high-priest daily serves up his rich offerings to that goddess, great would be the reward of that fishmonger, in blessings poured down upon him from the goddess, as great would his merit be towards the high-priest, who could never be thought to over-rate such valuable incense.

And here, having mentioned the extreme cheapness of fish in the Devonshire seas, and given some little hint of the extreme dearness with which this commodity is dispensed by those who deal in it in London, I cannot pass on without throwing forth an observation or two, with the same view with which I have scattered my several remarks through this voyage, sufficiently satisfied in having finished my life, as I have, probably, lost it, in the service of my country, from the best of motives, though it should be attended with the worst of success. Means are always in our power; ends are very seldom so.

Of all the animal foods with which man is furnished, there are none so plenty as fish. A little rivulet, that glides almost unperceived through a vast tract of rich land, will support more hundreds with the flesh of its inhabitants than the meadow will nourish individuals. But if this be true of rivers, it is much truer of the sea-shores, which abound with such immense variety of fish that the curious fisherman, after he hath made his draught, often culls only the daintiest part, and leaves the rest of his prey to perish on the shore.

If this be true it would appear, I think, that there is nothing which might be had in such abundance, and consequently so cheap, as fish, of which nature seems to have provided such inexhaustible stores with some peculiar design. In the production of terrestrial animals she proceeds with such slowness, that in the larger kinds a single female seldom produces more than one a year, and this again requires three, four, or five years more to bring it to perfection. And though

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the lesser quadrupeds, those of the wild kind particularly, with the birds, do multiply much faster, yet can none of these bear any proportion with the aquatic animals, of whom every female matrix is furnished with an annual offspring almost exceeding the power of numbers, and which, in many instances at least, a single year is capable of bringing to some degree of maturity.

What then ought in general to be so plentiful, what so cheap, as fish? What then so properly the food of the poor? So in many places they are, and so might they always be in great cities, which are always situated near the sea, or on the conflux of large rivers. How comes it then, to look no farther abroad for instances, that in our city of London, the case is so far otherwise that, except that of sprats, there is not one poor palate in a hundred that knows the taste of fish?

It is true, indeed, that this taste is generally of such excellent flavour that it exceeds the power of French cookery to treat the palates of the rich with any thing more exquisitely delicate; so that was fish the common food of the poor it might put them too much upon an equality with their betters, in the great article of eating, in which, at present, in the opinion of some, the great difference in happiness between man and man consists. But this argument I shall treat with the utmost disdain: for if ortolans were as big as bustards, and at the same time as plenty as sparrows, I should hold it yet reasonable to indulge the poor with the dainty, and that for this cause especially, that the rich would soon find a sparrow, if as scarce as an ortolan, to be much the greater, as it would certainly be the rarer, dainty of the two.

Vanity or scarcity will be always the favourite of luxury; but honest hunger will be satisfied with plenty. Not to search deeper into the cause of the evil, I should think it abundantly sufficient to propose the remedies of it. And, first, I humbly submit the absolute necessity of immediately hanging all the fishmongers within the bills of mortality; and however it might have been some time ago the opinion

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of mild and temporising men that the evil complained of might be removed by gentler methods, I suppose at this day there are none who do not see the impossibility of using such with any effect. *Cuncta prius tentanda* might have been formerly urged with some plausibility, but *cuncta prius tentata* may now be replied: for surely, if a few monopolising fishmongers could defeat that excellent scheme of the Westminster market, to the erecting which so many justices of peace, as well as other wise and learned men, did so vehemently apply themselves, that they might be truly said not only to have laid the whole strength of their heads, but of their shoulders too, to the business, it would be a vain endeavour for any other body of men to attempt to remove so stubborn a nuisance.

If it should be doubted whether we can bring this case within the letter of any capital law now subsisting, I am ashamed to own it cannot; for surely no crime better deserves such punishment; but the remedy may, nevertheless, be immediate, and if a law was made at the beginning of next session, to take place immediately, by which the starving thousands of poor was declared to be felony, without benefit of clergy, the fishmongers would be hanged before the end of the session.

A second method of filling the mouths of the poor, if not with loaves, at least with fishes, is to desire the magistrates to carry into execution one, at least, out of near a hundred acts of parliament, for preserving the small fry of the river of Thames, by which means as few fish would satisfy thousands as may now be devoured by a small number of individuals. But while a fisherman can break through the strongest meshes of an act of parliament, we may be assured he will learn so to contrive his own meshes, that the smallest fry will not be able to swim through them.

Other methods may, we doubt not, be suggested by those who shall attentively consider the evil here hinted at; but we have dwelt too long on it already, and shall conclude with observing, that it is difficult to affirm, whether the atrocity of the evil itself, the facility of curing it, or the

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shameful neglect of the cure, be the more scandalous or more astonishing.

After having, however, gloriously regaled myself with this food, I was washing it down with some good claret, with my wife and her friend, in the cabin, when the captain's valet-de-chambre, head cook, house, and ship steward, footman in livery and out on't, secretary and fore-mast man, all burst into the cabin at once, being, indeed, all but one person, and, without saying by your leave, began to pack half a hogshead of small-beer in bottles, the necessary consequence of which must have been either a total stop to conversation, at that cheerful season when it is most agreeable, or the admitting that polyonymous officer aforesaid to the participation of it. I desired him, therefore, to delay his purpose a little longer, but he refused to grant my request; nor was he prevailed on to quit the room till he was threatened with having one bottle to pack more than his number, which then happened to stand empty within my reach.

With these menaces he retired at last, but not without muttering some menaces on his side, and which, to our great terror, he failed not to put into immediate execution.

Our captain was gone to dinner this day with his Swiss brother; and, though he was a very sober man, was a little elevated with some champagne, which, as it cost the Swiss little or nothing, he dispensed at his table more liberally than our hospitable English noblemen put about those bottles, which the ingenious Peter Taylor teaches a led captain to avoid by distinguishing by the name of that generous liquor, which all humble companions are taught to postpone to the flavour of methuen, or honest port.

While our two captains were thus regaling themselves, and celebrating their own heroic exploits with all the inspiration which the liquor, at least, of wit could afford them, the polyonymous officer arrived, and being saluted by the name of Honest Tom, was ordered to sit down and take his glass before he delivered his message; for every sailor is by turns his captain's mate over a can, except only that captain

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bashaw who presides in a man-of-war, and who, upon earth, has no other mate unless it be another of the same bashaws.

Tom had no sooner swallowed his draught than he hastily began his narrative, and faithfully related what had happened on board our ship; we say faithfully, though from what happened it may be suspected that Tom chose to add, perhaps, only five or six immaterial circumstances, as is always, I believe, the case, and may possibly have been done by me in relating this very story, though it happened not many hours ago.

No sooner was the captain informed of the interruption which had been given to his officer, and, indeed, to his orders, for he thought no time so convenient as that of his absence for causing any confusion in the cabin, than he leaped with such haste from his chair that he had like to have broke his sword, with which he always begirt himself when he walked out of his ship, and sometimes when he walked about in it, at the same time grasping eagerly that other implement called a cockade, which modern soldiers wear on their helmets with the same view as the ancients did their crests, to terrify the enemy; he muttered something, but so inarticulately that the word *damn* was only intelligible; he then hastily took leave of the Swiss captain, who was too well-bred to press his stay on such an occasion, and leaped first from the ship to his boat, and then from his boat to his own ship, with as much fierceness in his looks as he had ever expressed on boarding his defenceless prey in the honourable calling of a privateer.

Having regained the middle-deck, he paused a moment while Tom and others loaded themselves with bottles, and then descending into the cabin exclaimed with a thundering voice, "D—n me, why aren't the bottles stowed in, according to my orders?"

I answered him very mildly, that I had prevented his man from doing it, as it was at an inconvenient time to me, and as in his absence, at least, I esteemed the cabin to be my own. "Your cabin," repeated he many times, "no, d—n me!

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'tis my cabin. Your cabin! d—me! I have brought my hogs to a fair market. I suppose, indeed, you think it your cabin and your ship, by your commanding in it; but I will command in it, d—n me! I will show the world I am the commander, and no body but I! Did you think I sold you the command of my ship for that pitiful thirty pounds? I wish I had not seen you nor your thirty pounds aboard of her." He then repeated the words thirty pounds often, with great disdain, and with a contempt which, I own, the sum did not seem to deserve in my eye, either in itself or on the present occasion; being, indeed, paid for the freight of ——— weight of human flesh, which is above fifty per cent. dearer than the freight of any other luggage, whilst in reality it takes up less room, in fact, no room at all.

In truth, the sum was paid for nothing more than for a liberty to six persons (two of them servants), to stay on board a ship while she sails from one port to another, every shilling of which comes clear into the captain's pocket. Ignorant people may perhaps imagine, especially when they are told that the captain is obliged to sustain them, that their diet, at least, is worth something; which may probably be now and then so far the case as to deduct a tenth part from the neat profits on this account; but it was otherwise at present; for when I had contracted with the captain at a price which I by no means thought moderate, I had some content in thinking I should have no more to pay for my voyage; but I was whispered that it was expected the passengers should find themselves in several things; such as tea, wine, and such like; and particularly that gentlemen should stow of the latter a much larger quantity than they could use, in order to leave the remainder as a present to the captain, at the end of the voyage; and it was expected, likewise, that gentlemen should put aboard some fresh stores, and the more of such things were put aboard, the welcomer they would be to the captain.

I was prevailed with by these hints to follow the advice proposed; and accordingly, besides tea, and a large hamper of wine, with several hams and tongues, I caused a number

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of live chickens and sheep to be conveyed aboard; in truth, treble the quantity of provisions which would have supported the persons I took with me, had the voyage continued three weeks, as it was supposed, with a bare possibility, it might.

Indeed, it continued much longer; but, as this was occasioned by our being wind-bound in our own ports, it was by no means of any ill consequence to the captain, as the additional stores of fish, fresh meat, butter, bread, &c., which I constantly laid in, greatly exceeded the consumption, and went some way in maintaining the ship's crew. It is true I was not obliged to do this; but it seemed to be expected; for the captain did not think himself obliged to do it; and, I can truly say, I soon ceased to expect it of him. He had, I confess, on board, a number of fowls and ducks sufficient for a West India voyage; all of them, as he often said, "Very fine birds, and of the largest breed." This, I believe, was really the fact, and, I can add, that they were all arrived at the full perfection of their size. Nor was there, I am convinced, any want of provisions of a more substantial kind; such as dried beef, pork, and fish; so that the captain seemed ready to perform his contract, and amply to provide for his passengers. What I did then was not from necessity, but, perhaps, from a less excusable motive, and was by no means chargeable to the account of the captain.

But let the motive have been what it would, the consequence was still the same: and this was such that I am firmly persuaded the whole pitiful thirty pounds came pure and neat into the captain's pocket, and not only so, but attended with the value of ten pounds more in sundries into the bargain. I must confess myself therefore at a loss how the epithet *pitiful* came to be annexed to the above sum; for not being a pitiful price for what it was given, I cannot conceive it to be pitiful in itself; nor do I believe it is thought by the greatest men in the kingdom; none of whom would scruple to search for it in the dirtiest kennel, where they had only a reasonable hope of success.

How, therefore, such a sum should acquire the idea of

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pitiful in the eyes of a master of a ship seems not easy to be accounted for; since it appears more likely to produce in him ideas of a different kind. Some men, perhaps, are no more sincere in the contempt for it which they express, than others in their contempt of money in general; and I am the rather inclined to this persuasion, as I have seldom heard of either who have refused or refunded this their despised object. Besides, it is sometimes impossible to believe these professions, as every action of the man's life is a contradiction to it. Who can believe a tradesman who says he would not tell his name for the profit he gets by the selling such a parcel of goods, when he hath told a thousand lies in order to get it?

Pitiful, indeed, is often applied to an object not absolutely, but comparatively with our expectations, or with a greater object: in which sense it is not easy to set any bounds to the use of the word. Thus, a handful of halfpence daily appear pitiful to a porter, and a handful of silver to a drawer. The latter, I am convinced, at a polite tavern, will not tell his name (for he will not give you any answer) under the price of gold. And in this sense thirty pounds may be accounted pitiful by the lowest mechanic.

One difficulty only seems to occur, and that is this: how comes it that, if the profits of the meanest arts are so considerable, the professors of them are not richer than we generally see them? One answer to this shall suffice. Men do not become rich by what they get, but by what they keep. He who is worth no more than his annual wages or salary, spends the whole; he will be always a beggar, let his income be what it will; and so will be his family when he dies. This we see daily to be the case of ecclesiastics; who, during their lives, are extremely well provided for, only because they desire to maintain the honour of the cloth by living like gentlemen, which would perhaps be better maintained by living unlike them.

But, to return from so long a digression, to which the use of so improper an epithet gave occasion, and to which the novelty of the subject allured, I will make the reader

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amends by concisely telling him, that the captain poured forth such a torrent of abuse that I very hastily, and very foolishly, resolved to quit the ship. I gave immediate orders to summon a hoy to carry me that evening to Dartmouth, without considering any consequence. Those orders I gave in no very low voice; so that those above stairs might possibly conceive there was more than one master in the cabin. In the same tone I likewise threatened the captain with that which, he afterwards said, he feared more than any rock or quicksand. Nor can we wonder at this when we are told he had been twice obliged to bring to and cast anchor there before, and had neither time escaped without the loss of almost his whole cargo.

The most distant sound of law thus frightened a man who had often, I am convinced, heard numbers of cannon roar round him with intrepidity. Nor did he sooner see the hoy approaching the vessel than he ran down again into the cabin, and, his rage being perfectly subsided, he tumbled on his knees, and a little too abjectly implored for mercy.

I did not suffer a brave man and an old man to remain a moment in this posture; but I immediately forgave him.

And here, that I may not be thought the sly trumpeter of my own praises, I do utterly disclaim all praise on the occasion. Neither did the greatness of my mind dictate, nor the force of my Christianity exact this forgiveness. To speak truth, I forgave him from a motive which would make men much more forgiving if they were much wiser than they are; because it was convenient for me so to do.

Wednesday. This morning the captain dressed himself in scarlet, in order to pay a visit to a Devonshire squire, to whom a captain of a ship is a guest of no ordinary consequence, as he is a stranger and a gentleman, who hath seen a great deal of the world in foreign parts, and knows all the news of the times.

The squire, therefore, was to send his boat for the captain; but a most unfortunate accident happened; for, as the wind was extremely rough, and against the hoy, while this was

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endeavouring to avail itself of great seamanship, in hauling up against the wind, a sudden squall carried off sail and yard; or, at least, so disabled them, that they were no longer of any use, and unable to reach the ship; but the captain, from the deck, saw his hopes of venison disappointed, and was forced either to stay on board his ship, or to hoist forth his own long-boat, which he could not prevail with himself to think of, though the smell of the venison had had twenty times its attraction. He did, indeed, love his ship as his wife, and his boats as children, and never willingly trusted the latter, poor things! to the dangers of the seas.

To say truth, notwithstanding the strict rigour with which he preserved the dignity of his station, and the hasty impatience with which he resented any affront to his person or orders, disobedience to which he could in no instance brook in any person on board, he was one of the best-natured fellows alive. He acted the part of a father to his sailors; he expressed great tenderness for any of them when ill, and never suffered any the least work of supererogation to go unrewarded by a glass of gin. He even extended his humanity, if I may so call it, to animals, and even his cats and kittens had large shares in his affections. An instance of which we saw this evening, when the cat, which had shown it could not be drowned, was found suffocated under a feather-bed in the cabin. I will not endeavour to describe his lamentations with more prolixity than barely by saying, they were grievous, and seemed to have some mixture of the Irish howl in them. Nay, he carried his fondness even to inanimate objects, of which we have above set down a pregnant example in his demonstration of love and tenderness towards his boats and ship. He spoke of a ship which he had commanded formerly, and which was long since no more, which he had called the Princess of Brazil, as a widower of a deceased wife. This ship, after having followed the honest business of carrying goods and passengers for hire many years, did at last take to evil courses and turn privateer, in which service, to use his own

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words, she received many dreadful wounds, which he himself had felt, as if they had been his own.

Thursday. As the wind did not yesterday discover any purpose of shifting, and the water in my belly grew troublesome, and rendered me short-breathed; I began a second time to have apprehensions of wanting the assistance of a trochar, when none was to be found; I therefore concluded to be tapped again, by way of precaution; and accordingly I this morning summoned on board a surgeon from a neighbouring parish, one whom the captain greatly recommended, and who did indeed perform his office with much dexterity. He was, I believe, likewise a man of great judgment and knowledge in the profession; but of this I cannot speak with perfect certainty; for when he was going to open on the dropsy at large, and on the particular degree of the distemper under which I laboured, I was obliged to stop him short, for the wind was changed, and the captain in the utmost hurry to depart; and to desire him, instead of his opinion, to assist me with his execution.

I was now once more delivered from my burthen, which was not indeed so great as I had apprehended, wanting two quarts of what was let out at the last operation.

While the surgeon was drawing away my water, the sailors were drawing up the anchor; both were finished at the same time, we unfurled our sails, and soon passed the Berry Head, which forms the mouth of the bay.

We had not however sailed far, when the wind, which had, though with a slow pace, kept us company about six miles, suddenly turned about, and offered to conduct us back again; a favour, which, though sorely against the grain, we were obliged to accept.

Nothing remarkable happened this day; for as to the firm persuasion of the captain that he was under the spell of witchcraft, I would not repeat it too often, though indeed he repeated it an hundred times every day; in truth, he talked of nothing else, and seemed not only to be satisfied in general of his being bewitched, but actually to have fixed, with good certainty, on the person of the

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witch, whom, had he lived in the days of Sir Matthew Hale, he would have infallibly indicted, and very possibly have hanged, for the detestable sin of witchcraft; but that law, and the whole doctrine that supported it, are now out of fashion; and witches, as a learned divine once chose to express himself, are put down by act of parliament. This witch, in the captain's opinion, was no other than Mrs. Francis of Ryde, who, as he insinuated, out of anger to me, for not spending more money in her house than she could produce any thing to exchange for, or any pretence to charge for, had laid this spell on his ship.

Though we were again got near our harbour by three in the afternoon, yet it seemed to require a full hour or more, before we could come to our former place of anchoring, or berth, as the captain called it. On this occasion we exemplified one of the few advantages, which the travellers by water have over the travellers by land. What would the latter often give for the sight of one of those hospitable mansions, where he is assured *that there is good entertainment for man and horse;* and where both may consequently promise themselves to assuage that hunger which exercise is so sure to raise in a healthy constitution.

At their arrival at this mansion, how much happier is the state of the horse than that of the master! The former is immediately led to his repast, such as it is, and whatever it is, he falls to it with appetite. But the latter is in a much worse situation. His hunger, however violent, is always in some degree delicate, and his food must have some kind of ornament, or, as the more usual phrase is, of dressing, to recommend it. Now all dressing requires time; and therefore, though, perhaps, the sheep might be just killed before you came to the inn, yet in cutting him up, fetching the joint, which the landlord by mistake said he had in the house, from the butcher at two miles' distance, and afterwards warming it a little by the fire, two hours at least must be consumed, while hunger, for want of better food, preys all the time on the vitals of the man.

How different was the case with us! we carried our

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provision, our kitchen, and our cook with us, and we were at one and the same time travelling on our road, and sitting down to a repast of fish, with which the greatest table in London can scarce at any rate be supplied.

Friday. As we were disappointed of our wind, and obliged to return back the preceding evening, we resolved to extract all the good we could out of our misfortune, and to add considerably to our fresh stores of meat and bread, with which we were very indifferently provided when we hurried away yesterday. By the captain's advice we likewise laid in some stores of butter, which we salted and potted ourselves, for our use at Lisbon, and we had great reason afterwards to thank him for his advice.

In the afternoon, I persuaded my wife, whom it was no easy matter for me to force from my side, to take a walk on shore, whither the gallant captain declared he was ready to attend her. Accordingly, the ladies set out, and left me to enjoy a sweet and comfortable nap after the operation of the preceding day.

Thus we enjoyed our separate pleasures full three hours, when we met again; and my wife gave the foregoing account of the gentleman, whom I have before compared to Axylus, and of his habitation, to both which she had been introduced by the captain, in the style of an old friend and acquaintance, though this foundation of intimacy seemed to her to be no deeper laid than in an accidental dinner, eaten many years before, at this temple of hospitality, when the captain lay wind-bound in the same bay.

Saturday. Early this morning the wind seemed inclined to change in our favour. Our alert captain snatched its very first motion, and got under sail with so very gentle a breeze, that as the tide was against him, he recommended to a fishing hoy to bring after him a vast salmon and some other provisions which lay ready for him on shore.

Our anchor was up at six, and before nine in the morning we had doubled the Berry Head, and were arrived off Dartmouth, having gone full three miles in as many hours, in direct opposition to the tide, which only befriended us out

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of our harbour; and though the wind was, perhaps, our friend, it was so very silent, and exerted itself so little in our favour, that, like some cool partisans, it was difficult to say whether it was with us or against us. The captain, however, declared the former to be the case, during the whole three hours; but at last he perceived his error; or rather, perhaps, this friend, which had hitherto wavered in choosing his side, became now more determined. The captain then suddenly tacked about, and asserting that he was bewitched, submitted to return to the place from whence he came. Now, though I am as free from superstition as any man breathing, and never did believe in witches, notwithstanding all the excellent arguments of my Lord Chief Justice Hale in their favour, and long before they were put down by act of parliament, yet by what power a ship of burthen should sail three miles against both wind and tide, I cannot conceive; unless there was some supernatural interposition in the case; nay, could we admit that the wind stood neuter, the difficulty would still remain. So that we must of necessity conclude, that the ship was either bewinded or bewitched.

The captain, perhaps, had another meaning. He imagined himself, I believe, bewitched, because the wind, instead of persevering in its change in his favour, for change it certainly did that morning, should suddenly return to its favourite station, and blow him back towards the bay. But if this was his opinion, he soon saw cause to alter; for he had not measured half the way back, when the wind again declared in his favour, and so loudly, that there was no possibility of being mistaken.

The orders for the second tack were given, and obeyed with much more alacrity, than those had been for the first. We were all of us indeed in high spirits on the occasion; though some of us a little regretted the good things we were likely to leave behind us by the fisherman's neglect; I might give it a worse name, for he faithfully promised to execute the commission, which he had had abundant opportunity to do; but *Nautica fides* deserves as much to be proverbial,

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as ever *Punica fides* could formerly have done. Nay, when we consider that the Carthaginians came from the Phœnicians, who are supposed to have produced the first mariners, we may probably see the true reason of the adage, and it may open a field of very curious discoveries to the antiquary.

We were, however, too eager to pursue our voyage, to suffer any thing we left behind us to interrupt our happiness, which, indeed, many agreeable circumstances conspired to advance. The weather was inexpressibly pleasant, and we were all seated on the deck, when our canvas began to swell with the wind. We had likewise in our view above thirty other sail around us, all in the same situation. Here an observation occurred to me, which, perhaps, though extremely obvious, did not offer itself to every individual in our little fleet: when I perceived with what different success we proceeded, under the influence of a superior power, which, while we lay almost idle ourselves, pushed us forward on our intended voyage, and compared this with the slow progress which we had made in the morning, of ourselves, and without any such assistance, I could not help reflecting how often the greatest abilities lie wind-bound as it were in life; or if they venture out, and attempt to beat the seas, they struggle in vain against wind and tide, and if they have not sufficient prudence to put back, are most probably cast away on the rocks and quicksands, which are every day ready to devour them.

It was now our fortune to set out *melioribus avibus.* The wind freshened so briskly in our poop, that the shore appeared to move from us, as fast as we did from the shore. The captain declared he was sure of a wind, meaning its continuance; but he had disappointed us so often, that he had lost all credit. However, he kept his word a little better now, and we lost sight of our native land, as joyfully, at least, as it is usual to regain it.

Sunday. The next morning, the captain told me he thought himself thirty miles to the westward of Plymouth, and before evening declared that the Lizard Point, which is the extremity of Cornwall, bore several leagues to leeward. Nothing

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remarkable passed this day, except the captain's devotion, who, in his own phrase, summoned all hands to prayers, which were read by a common sailor upon deck, with more devout force and address, than they are commonly read by a country curate, and received with more decency and attention by the sailors, than are usually preserved in city congregations. I am indeed assured, that if any such affected disregard of the solemn office in which they were engaged, as I have seen practised by fine gentlemen and ladies, expressing a kind of apprehension lest they should be suspected of being really in earnest in their devotion, had been shown here, they would have contracted the contempt of the whole audience. To say the truth, from what I observed in the behaviour of the sailors in this voyage, and on comparing it with what I have formerly seen of them at sea and on shore, I am convinced that on land there is nothing more idle and dissolute; in their own element, there are no persons near the level of their degree, who live in the constant practice of half so many good qualities. They are for much the greater part perfect masters of their business, and always extremely alert, and ready in executing it, without any regard to fatigue or hazard. The soldiers themselves are not better disciplined, nor more obedient to orders than these whilst aboard; they submit to every difficulty which attends their calling with cheerfulness, and no less virtues than patience and fortitude are exercised by them every day of their lives.

All these good qualities, however, they always leave behind them on shipboard; the sailor out of water is, indeed, as wretched an animal as the fish out of water; for though the former hath, in common with amphibious animals, the bare power of existing on the land, yet if he be kept there any time, he never fails to become a nuisance.

The ship having had a good deal of motion since she was last under sail, our women returned to their sickness, and I to my solitude; having, for twenty-four hours together, scarce opened my lips to a single person. This circumstance of being shut up within the circumference of a

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few yards, with a score of human creatures, with not one of whom it was possible to converse, was perhaps so rare, as scarce ever to have happened before, nor could it ever happen to one who disliked it more than myself, or to myself at a season when I wanted more food for my social disposition, or could converse less wholesomely and happily with my own thoughts. To this accident, which fortune opened to me in the Downs, was owing the first serious thought which I ever entertained of enrolling myself among the voyage-writers; some of the most amusing pages, if, indeed, there be any which deserve that name, were possibly the production of the most disagreeable hours which ever haunted the author.

Monday. At noon the captain took an observation, by which it appeared that Ushant bore some leagues northward of us, and that we were just entering the Bay of Biscay. We had advanced a very few miles in this bay before we were entirely becalmed; we furled our sails, as being of no use to us, while we lay in this most disagreeable situation, more detested by the sailors than the most violent tempest; we were alarmed with the loss of a fine piece of salt beef, which had been hung in the sea to freshen it; this being, it seems, the strange property of salt-water. The thief was immediately suspected, and presently afterwards taken by the sailors. He was, indeed, no other than a huge shark, who, not knowing when he was well off, swallowed another piece of beef, together with a great iron crook on which it was hung, and by which he was dragged into the ship.

I should scarce have mentioned the catching this shark, though so exactly conformable to the rules and practice of voyage-writing, had it not been for a strange circumstance that attended it. This was the recovery of the stolen beef out of the shark's maw, where it lay unchewed and undigested, and whence, being conveyed into the pot, the flesh, and the thief that had stolen it, joined together in furnishing variety to the ship's crew.

During this calm we likewise found the mast of a large vessel, which the captain thought had lain at least three

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years in the sea. It was stuck all over with a little shell-fish or reptile called a barnacle, and which probably are the prey of the rock-fish, as our captain calls it, asserting, that it is the finest fish in the world; for which we are obliged to confide entirely to his taste; for, though he struck the fish with a kind of harping-iron, and wounded him, I am convinced, to death, yet he could not possess himself of his body; but the poor wretch escaped to linger out a few hours, with probably great torments.

In the evening our wind returned, and so briskly, that we ran upwards of twenty leagues before the next day's [*Tuesday's*] observation, which brought us to lat. 47° 42′. The captain promised us a very speedy passage through the bay; but he deceived us, or the wind deceived him, for it so slackened at sun-set, that it scarce carried us a mile in an hour during the whole succeeding night.

Wednesday. A gale struck up a little after sun-rising, which carried us between three or four knots or miles an hour. We were this day at noon about the middle of the Bay of Biscay, when the wind once more deserted us, and we were so entirely becalmed, that we did not advance a mile in many hours. My fresh-water reader will perhaps conceive no unpleasant idea from this calm; but it affected us much more than a storm could have done; for as the irascible passions of men are apt to swell with indignation long after the injury which first raised them is over, so fared it with the sea. It rose mountains high, and lifted our poor ship up and down, backwards and forwards, with so violent an emotion, that there was scarce a man in the ship better able to stand than myself. Every utensil in our cabin rolled up and down, as we should have rolled ourselves, had not our chairs been fast lashed to the floor. In this situation, with our tables likewise fastened by ropes, the captain and myself took our meal with some difficulty, and swallowed a little of our broth, for we spilt much the greater part. The remainder of our dinner being an old, lean, tame duck roasted, I regretted but little the loss of, my teeth not being good enough to have chewed it.

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Our women, who began to creep out of their holes in the morning, retired again within the cabin to their beds, and were no more heard of this day, in which my whole comfort was to find, by the captain's relation, that the swelling was sometimes much worse; he did, indeed, take this occasion to be more communicative than ever, and informed me of such misadventures that had befallen him within forty-six years at sea, as might frighten a very bold spirit from undertaking even the shortest voyage. Were these, indeed, but universally known, our matrons of quality would possibly be deterred from venturing their tender offspring at sea; by which means our navy would lose the honour of many a young commodore, who at twenty-two is better versed in maritime affairs than real seamen are made by experience at sixty.

And this may, perhaps, appear the more extraordinary, as the education of both seems to be pretty much the same; neither of them having had their courage tried by Virgil's description of a storm, in which, inspired as he was, I doubt whether our captain doth not exceed him.

In the evening the wind, which continued in the N.W. again freshened, and that so briskly, that Cape Finisterre appeared by this day's observation to bear a few miles to the southward. We now indeed sailed, or rather flew, near ten knots an hour; and the captain, in the redundancy of his good-humour, declared he would go to church at Lisbon on Sunday next, for that he was sure of a wind; and, indeed, we all firmly believed him. But the event again contradicted him; for we were again visited by a calm in the evening.

But here, though our voyage was retarded, we were entertained with a scene, which as no one can behold without going to sea, so no one can form an idea of any thing equal to it on shore. We were seated on the deck, women and all, in the serenest evening that can be imagined. Not a single cloud presented itself to our view, and the sun himself was the only object which engrossed our whole attention. He did indeed set with a majesty which is incapable of description, with which, while the horizon was yet blazing with glory, our eyes were called off to the

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opposite part to survey the moon, which was then at full, and which in rising presented us with the second object that this world hath offered to our vision. Compared to these the pageantry of theatres, or splendour of courts, are sights almost below the regard of children.

We did not return from the deck till late in the evening; the weather being inexpressibly pleasant; and so warm, that even my old distemper perceived the alteration of the climate. There was indeed a swell, but nothing comparable to what we had felt before, and it affected us on the deck much less than in the cabin

Friday. The calm continued till sun-rising, when the wind likewise arose; but unluckily for us, it came from a wrong quarter; it was S.S.E. which is that very wind that Juno would have solicited of Æolus, had Æneas been in our latitude bound for Lisbon.

The captain now put on his most melancholy aspect, and resumed his former opinion, that he was bewitched. He declared, with great solemnity, that this was worse and worse, for that a wind directly in his teeth was worse than no wind at all. Had we pursued the course which the wind persuaded us to take, we had gone directly for Newfoundland, if we had not fallen in with Ireland in our way. Two ways remained to avoid this; one was to put into a port of Galicia; the other, to beat to the westward with as little sail as possible; and this was our captain's election.

As for us, poor passengers, any port would have been welcome to us; especially, as not only our fresh provisions, except a great number of old ducks and fowls, but even our bread, was come to an end, and nothing but sea biscuit remained, which I could not chew. So that now, for the first time in my life, I saw what it was to want a bit of bread.

The wind, however, was not so unkind as we had apprehended; but having declined with the sun, it changed at the approach of the moon, and became again favourable to us; though so gentle that the next day's observation carried us very little to the southward of Cape Finisterre. This

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evening at six, the wind, which had been very quiet all day, rose very high, and, continuing in our favour, drove us seven knots an hour.

This day we saw a sail, the only one, as I heard of, we had seen in our whole passage through the Bay. I mention this on account of what appeared to me somewhat extraordinary. Though she was at such a distance that I could only perceive she was a ship, the sailors discovered that she was a snow, bound to a port in Galicia.

Sunday. After prayers, which our good captain read on the deck, with an audible voice, and with but one mistake, of a lion for Elias, in the second lesson for this day, we found ourselves far advanced in 42°, and the captain declared we should sup off Porte. We had not much wind this day; but, as this was directly in our favour, we made it up with sail, of which we crowded all we had. We went only at the rate of four miles an hour, but with so uneasy a motion, continually rolling from side to side, that I suffered more than I had done in our whole voyage; my bowels being almost twisted out of my belly. However, the day was very serene and bright, and the captain, who was in high spirits, affirmed he had never passed a pleasanter at sea.

The wind continued so brisk that we ran upward of six knots an hour the whole night.

Monday. In the morning our captain concluded that he was got into lat. 40°, and was very little short of the Burlings, as they are called in the charts. We came up with them at five in the afternoon, being the first land we had distinctly seen since we left Devonshire. They consist of abundance of little rocky islands, a little distant from the shore, three of them only showing themselves above the water.

Here the Portuguese maintain a kind of garrison, if we may allow it that name. It consists of malefactors, who are banished hither for a term, for divers small offences. A policy which they may have copied from the Egyptians, as we may read in Diodorus Siculus. That wise people, to prevent

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the corruption of good manners by evil communication, built a town on the Red Sea, whither they transported a great number of their criminals, having first set an indelible mark on them, to prevent their returning and mixing with the sober part of their citizens.

These rocks lie about fifteen leagues north-west of Cape Roxent; or, as it is commonly called, the Rock of Lisbon; which we passed early the next morning. The wind, indeed, would have carried us thither sooner; but the captain was not in a hurry, as he was to lose nothing by the delay.

Tuesday. This is a very high mountain, situated on the northern side of the mouth of the river Tajo, which, rising about Madrid, in Spain, and soon becoming navigable for small craft, empties itself, after a long course, into the sea, about four leagues below Lisbon.

On the summit of the rock stands a hermitage, which is now in the possession of an Englishman, who was formerly master of a vessel trading to Lisbon; and, having changed his religion and his manners, the latter of which, at least, were none of the best, betook himself to this place, in order to do penance for his sins. He is now very old, and hath inhabited this hermitage for a great number of years, during which he hath received some countenance from the royal family; and particularly from the present queen dowager, whose piety refuses no trouble or expense by which she may make a proselyte; being used to say, that the saving one soul would repay all the endeavours of her life.

Here we waited for the tide, and had the pleasure of surveying the face of the country, the soil of which, at this season, exactly resembles an old brick-kiln, or a field where the green sward is pared up and set a burning, or rather a smoking, in little heaps to manure the land. The sight will, perhaps, of all others, make an Englishman proud of, and pleased with, his own country, which in verdure excels, I believe, every other country. Another deficiency here is the want of large trees, nothing above a shrub being here to be discovered in the circumference of many miles.

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At this place we took a pilot on board, who, being the first Portuguese we spoke to, gave us an instance of that religious observance which is paid by all nations to their laws; for, whereas it is here a capital offence to assist any person in going on shore from a foreign vessel before it hath been examined, and every person in it viewed by the magistrates of health, as they are called, this worthy pilot, for a very small reward, rowed the Portuguese priest to shore at this place, beyond which he did not dare to advance; and in venturing whither he had given sufficient testimony of love for his native country.

We did not enter the Tajo till noon, when, after passing several old castles, and other buildings, which had greatly the aspect of ruins, we came to the Castle of Bellisle, where we had a full prospect of Lisbon, and were, indeed, within three miles of it.

Here we were saluted with a gun, which was a signal to pass no farther, till we had complied with certain ceremonies, which the laws of this country require to be observed by all ships which arrive in this port. We were obliged then to cast anchor, and expect the arrival of the officers of the customs, without whose passport no ship must proceed farther than this place.

Here likewise we received a visit from one of those magistrates of health before mentioned. He refused to come on board the ship till every person in her had been drawn up on deck, and personally viewed by him. This occasioned some delay on my part, as it was not the work of a minute to lift me from the cabin to the deck. The captain thought my particular case might have been excused from this ceremony; and that it would be abundantly sufficient if the magistrate, who was obliged afterwards to visit the cabin, surveyed me there. But this did not satisfy the magistrate's strict regard to his duty. When he was told of my lameness, he called out, with a voice of authority, "Let him be brought up," and his orders were presently complied with. He was, indeed, a person of great dignity, as well as of most exact fidelity in the discharge of his trust. Both which

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are the more admirable as his salary is less than thirty pounds English per annum.

Before a ship hath been visited by one of those magistrates, no person can lawfully go on board her; nor can any on board depart from her. This I saw exemplified in a remarkable instance. The young lad, whom I have mentioned as one of our passengers, was here met by his father, who, on the first news of the captain's arrival, came from Lisbon to Bellisle in a boat, being eager to embrace a son whom he had not seen for many years. But when he came alongside our ship, neither did the father dare ascend nor the son descend, as the magistrate of health had not been yet on board.

Some of our readers will, perhaps, admire the great caution of this policy, so nicely calculated for the preservation of this country from all pestilential distempers. Others will as probably regard it as too exact and formal to be constantly persisted in, in seasons of the utmost safety, as well as in times of danger. I will not decide either way; but will content myself with observing, that I never yet saw or heard of a place where a traveller had so much trouble given him at his landing as here. The only use of which, as all such matters begin and end in form only, is to put it into the power of low and mean fellows to be either rudely officious or grossly corrupt, as they shall see occasion to prefer the gratification of their pride or of their avarice.

Of this kind, likewise, is that power which is lodged with other officers here, of taking away every grain of snuff, and every leaf of tobacco, brought hither from other countries, though only for the temporary use of the person, during his residence here. This is executed with great insolence, and as it is in the hands of the dregs of the people, very scandalously; for, under pretence of searching for tobacco and snuff, they are sure to steal whatever they can find, insomuch, that when they came on board, our sailors addressed us in the Covent Garden language, "Pray, gentlemen and ladies, take care of your swords and watches." Indeed, I never yet saw anything equal to the contempt and hatred

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which our honest tars every moment expressed for these Portuguese officers.

At Bellisle lies buried Catharine of Arragon, widow of Prince Arthur, eldest son of our Henry VII., afterwards married to, and divorced from, Henry VIII. Close by the church where her remains are deposited is a large convent of Geronymites, one of the most beautiful piles of buildings in all Portugal.

In the evening, at twelve, our ship having received previous visits from all the necessary parties, took the advantage of the tide, and having sailed up to Lisbon, cast anchor there, in a calm, and a moonshiny night, which made the passage incredibly pleasant to the women, who remained three hours enjoying it, whilst I was left to the cooler transports of enjoying their pleasures at second-hand; and yet, cooler as they may be, whoever is totally ignorant of such sensation, is at the same time void of all ideas of friendship.

Wednesday. Lisbon, before which we now lay at anchor, is said to be built on the same number of hills with old Rome; but these do not all appear to the water; on the contrary, one sees from thence one vast high hill and rock, with buildings arising above one another, and that in so steep and almost perpendicular a manner, that they all seem to have but one foundation.

As the houses, convents, churches, &c., are large, and all built with white stone, they look very beautiful at a distance; but as you approach nearer, and find them to want every kind of ornament, all idea of beauty vanishes at once. While I was surveying the prospect of this city, which bears so little resemblance to any other that I have ever seen, a reflection occurred to me, that if a man was suddenly to be removed from Palmyra hither, and should take a view of no other city, in how glorious a light would the ancient architecture appear to him! and what desolation and destruction of arts and sciences would he conclude had happened between the several eras of these cities!

I had now waited full three hours upon deck for the return of my man, whom I had sent to bespeak a good

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dinner (a thing which had been long unknown to me) on shore, and then to bring a Lisbon chaise with him to the sea-shore; but, it seems, the impertinence of the providore was not yet brought to a conclusion. At three o'clock, when I was, from emptiness, rather faint than hungry, my man returned, and told me, there was a new law lately made that no passenger should set his foot on shore without a special order from the providore; and that he himself would have been sent to prison for disobeying it, had he not been protected as the servant of the captain. He informed me likewise, that the captain had been very industrious to get this order, but that it was then the providore's hour of sleep, a time when no man, except the king himself, durst disturb him.

To avoid prolixity, though in a part of my narrative which may be more agreeable to my reader than it was to me, the providore, having at last finished his nap, despatched this absurd matter of form, and gave me leave to come, or rather to be carried, on shore.

What it was that gave the first hint of this strange law is not easy to guess. Possibly, in the infancy of their defection, and before their government could be well established, they were willing to guard against the bare possibility of surprise, of the success of which bare possibility the Trojan horse will remain for ever on record, as a great and memorable example. Now the Portuguese have no walls to secure them, and a vessel of two or three hundred tons will contain a much larger body of troops than could be concealed in that famous machine, though Virgil tells us (somewhat hyperbolically, I believe) that it was as big as a mountain.

About seven in the evening I got into a chaise on shore, and was driven through the nastiest city in the world, though at the same time one of the most populous, to a kind of coffee-house, which is very pleasantly situated on the brow of a hill, about a mile from the city, and hath a very fine prospect of the river Tajo from Lisbon to the sea.

Here we regaled ourselves with a good supper, for which

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we were as well charged, as if the bill had been made on the Bath Road, between Newbury and London.

And now we could joyfully say,

"*Egressi optata Troes potiuntur arena.*"

Therefore, in the words of Horace,

—"*hic Finis chartæque viæque.*"

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A CHARGE DELIVERED

TO THE GRAND JURY

AT THE

SESSIONS OF THE PEACE

HELD

FOR THE CITY AND LIBERTY OF WESTMINSTER, &c.

ON THURSDAY, THE 29TH OF JUNE, 1749

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A CHARGE

TO

THE GRAND JURY

GENTLEMEN OF THE GRAND JURY,—There is no part in all the excellent frame of our constitution which an Englishman can, I think, contemplate with such delight and admiration; nothing which must fill him with such gratitude to our earliest ancestors, as that branch of British liberty from which, gentlemen, you derive your authority of assembling here on this day.

The institution of juries, gentlemen, is a privilege which distinguishes the liberty of Englishmen from those of all other nations; for as we find no traces of this in the antiquities of the Jews, or Greeks, or Romans, so it is an advantage which is at present solely confined to this country; not so much, I apprehend, from the reasons assigned by Fortescue, in his book *De Laudibus, cap.* 29, namely, "because there are more husbandmen and fewer freeholders in other countries," as because other countries have less of freedom than this; and, being for the most part subjected to the absolute wills of their governors, hold their lives, liberties, and properties, at the discretion of those governors, and not under the protection of certain laws. In such

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countries it would be absurd to look for any share of power in the hands of the people.

And, if juries in general be so very signal a blessing to this nation, as Fortescue, in the book I have just cited, thinks it: "A method," says he, "much more available and effectual for the trial of truth than is the form of any other laws of the world, as it is farther from the danger of corruption and subornation," what, gentlemen, shall we say of the institution of grand juries, by which an Englishman, so far from being convicted, cannot be even tried, not even put on his trial in any capital case, at the suit of the crown; unless, perhaps, in one or two very special instances, till twelve men, at the least, have said on their oaths that there is a probable cause for his accusation! Surely we may, in a kind of rapture, cry out with Fortescue, speaking of the second jury, "Who then can unjustly die in England for any criminal offence, seeing he may have so many helps for the favour of his life, and that none may condemn him but his neighbours, good and lawful men, against whom he hath no manner of exception?"

To trace the original of this great and singular privilege, or to say when and how it began, is not an easy task; so obscure indeed are the footsteps of it through the first ages of our history, that my Lord Hale, and even my Lord Coke, seem to have declined it. Nay, this latter, in his account of his second or petty jury is very succinct; and contents himself with saying, *Co. Lit.* 155, *b*, that it is very ancient, and before the Conquest.

Spelman, in his Life of Alfred, lib. ii. page 71, will have that prince to have been the first founder of juries, but in truth they are much older; and very probably had some existence even among the Britons. The Normans likewise had anciently the benefit of juries, as appears in the Custumier de Normandy; and something like grand juries too we find in that book under the title Suit de Murdyr.

Bracton, who wrote in the reign of Henry III., in his book *De Corona, cap.* 1, gives a plain account of this matter; and by him it appears, that the grand juries before the

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justices in eyre differed very little at that time from what they now are before justices assigned to keep the peace, oyer, and terminer, and gaol-delivery, unless in the manner of choosing them, and unless in one other respect; there being then a grand jury sworn for every hundred; whereas, at present, one serves for the whole county, liberty, &c.

But before this time our ancestors were sensible of the great importance of this privilege, and extremely jealous of it, as appears by the twenty-ninth chapter of the great charter, granted by King John, and confirmed by Henry III. For thus my Lord Coke, 2 Instit. 46, expounds that chapter. *Nullus liber homo capiatur*, &c. "No man shall be taken, that is," says he, "restrained of liberty, by petition or suggestion to the king and his council; unless it be by indictment or presentment of good and lawful men, where such deeds be done."

And so just a value have our ancestors always set on this great branch of our liberties, and so jealous have they been of any attempt to diminish it, that when a commission to punish rioters in a summary way was awarded, in the second year of Richard II., "it was," says Mr. Lambard in his Eirenarcha, fol. 305, "even in the self-same year of the same king, resumed, as a thing over hard," says that writer, "to be borne, that a freeman should be imprisoned without an indictment, or other trial, by his peers, as Magna Charta speaketh; until that the experience of greater evils had prepared and made the stomach of the commonwealth able and fit to digest it."

And a hard morsel surely it must have been, when the commonwealth could not digest it in that turbulent reign, which, of all others in our history, seems to have afforded the most proper ingredients to make it palatable; in a reign, moreover, when the commonwealth seemed to have been capable of swallowing and digesting almost any thing; when judges were so prostituted as to acknowledge the king to be above the law; and when a parliament, which even Echard censures, and for which Mr. Rapin, with a juster indignation, tells us, he knows no name odious enough, made no scruple

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to sacrifice to the passions of the king, and his ministers, the lives of the most distinguished lords of the kingdom, as well as the liberties and privileges of the people. Even in that reign, gentlemen, our ancestors could not, as Mr. Lambard remarks, be brought by any necessity of the times to give up, in any single instance, this their invaluable privilege.

Another considerable attempt to deprive the subject of the benefit of grand juries was made in the eleventh year of Henry VII. The pretence of this act of parliament was the wilful concealment of grand jurors in their inquests; and by it "power was given to the justices of assize in their sessions, and to the justices of peace in every county, upon information for the king, to hear and determine all offences and contempts (saving treason, murder, or felony) by any person against the effect of any statute."

My Lord Coke, in his 4th Institute, fol. 40, sets forth this act at large, not as a law which in his time had any force, but *in terrorem;* and, as he himself says, that the like should never be attempted in any future parliament.

"This act," says Lord Coke, "had a fair flattering preamble; but in the execution, tended diametrically contrary; viz. to the high displeasure of Almighty God, and to the great let, nay, the utter subversion of the common law; namely, by depriving the subject of that great privilege of being indicted and tried by a jury of their countrymen."

By pretext of this law, says the great writer I have just cited, Empson and Dudley did commit upon the subject insufferable pressures and oppressions. And we read in history, that soon after the act took place, Sir William Capel, alderman of London, who was made the first object of its tyranny, was fined two thousand seven hundred pounds, sixteen hundred of which he actually paid to the king, by way of composition. A vast sum, in those days, to be imposed for a crime so minute that scarce any notice is taken of it in history.

Our ancestors, however, bore not long this invasion on their liberties; for in the very first year of King Henry VIII.

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this flagitious act was repealed, and the advisers of all the extortions committed by it were deservedly sacrificed to the public resentment.

Gentlemen, I shall mention but two more attacks on this most valuable of all our liberties; the first of which was indeed the greatest of all, I mean that cursed Court of Star-Chamber, which was erected under the same king.

I shall not before you, gentlemen, enter into a contest with my Lord Coke whether this court had a much older existence, or whether it first began under the statute of 3 Henry VII. For my part, I clearly think the latter.

I. Because the statute which erects it mentions no such court as then existing, and most manifestly speaks the language of creation, not of confirmation.

II. Because it was expressly so understood by the judges, within five years after the statute was made, as appears by the year-book of 8 Henry VII. *Pasch.* fol. 13, *Plac.* 7.

Lastly, Because all our historians and law writers before that time are silent concerning any such court; for as to the records and acts of parliament cited by my Lord Coke, they are most evidently to be applied only to the king and council, to whom, in old time, complaints were, in very extraordinary cases, preferred.

This old court, my Lord Coke himself confesses, sat very rarely; so rarely indeed, that there are no traces left of its proceedings, at least of any such as were afterwards had under the authority of the statute. Had this court had an original existence in the constitution, I do not see why the great lawyer is so severe against the before-mentioned act of the eleventh of Henry VII. or how he can, with any propriety, call the liberty of being accused and tried only by juries the birthright of an English subject.

The other instance was that of the High Commission Court, instituted by parliament in the first year of Queen Elizabeth.

This act likewise pretends to refer to an authority in

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being. The title of it is, "An Act restoring to the Crown the ancient jurisdiction," &c. By which, saith Lord Coke, 4 Inst. 325, the nature of the act doth appear, viz. that it is an act of restitution.

And hence the Court of Common Pleas, in the reign of James I. well argued, that the act being meant to restore to the crown the ancient ecclesiastical jurisdiction, the commissioners could derive no other power from it than before belonged to that ecclesiastical jurisdiction.

But however necessary, as my Lord Coke says, 4 Inst. 326, this act might have been at its first creation, or however the intention of the legislature might have been to restrain it, either as to time or persons, certain it is, that the commissioners extended its jurisdiction in many cases, to the great grievance of the subject, and to the depriving them of that privilege which I have just mentioned to be the birthright of an Englishman.

The uses made of these courts, and particularly under that unhappy prince Charles I., need not be mentioned. They are but too well known. Let it suffice, that the spirit of our ancestors at last prevailed over these invasions of their liberties, and these courts were for ever abolished.

And, gentlemen, if we have just reason to admire the great bravery and steadiness of those our ancestors, in defeating all the attempts of tyranny against this excellent branch of our constitution, we shall have no less reason, I apprehend, to extol that great wisdom which they have from time to time demonstrated, in well ordering and regulating their juries; so as to preserve them as clear as possible from all danger of corruption. In this light, gentlemen, we ought to consider the several laws by which the morals, the character, the substance, and good demeanour of jurors are regulated. These jurors, gentlemen, must be good and lawful men, of reputation and substance in their country, chosen at the nomination of neither party, absolutely disinterested and indifferent in the cause which they are to try. Upon the whole, the excellence of our constitution, and the great wisdom of our laws, which Fortescue,

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my Lord Coke, and many other great writers, have so highly extolled, is in no one instance so truly admirable as in this institution of our juries.

I hope, gentlemen, I shall not be thought impertinent in having taken up so much of your time to show you the great dignity and importance of that office which you are now assembled here to execute; the duties of which it is incumbent on me concisely to open to you; and this I shall endeavour in the best manner I am able.

The duty, gentlemen, of a grand juror, is to inquire of all crimes and misdemeanours whatsoever, which have been committed in the county or liberty for which he serves as a grand juror, and which are anywise cognizable by the court in which he is sworn to inquire.

And this inquiry is in a twofold manner, by way of indictment and by way of presentment.

Which two words Mr. Lambard, fol. 461, thus explains:

A presentment, says he, I take to be a mere determination of the jurors themselves; and an indictment is the verdict of the jurors, grounded upon the accusation of a third person; so that a presentment is but a declaration of the jurors, without any bill offered before; and an indictment is their finding a bill of accusation to be true.

The usual method of charge hath been to run over the several articles, or heads of crimes, which might possibly become subject to the inquiry of the grand jury.

This we find in Bracton, who writ so long ago as the reign of Henry III., was the practice of the justices in Eyre, l. iii. c. 1. And my Lord Coke says, 4 Inst. 183, that the charge to be given at the sessions of the peace consisteth of two parts; laws ecclesiastical for the peace of the church, and laws civil and temporal for the peace of the land. And Mr. Lambard, in his Eirenarcha, gives the whole form of the charge at length, in which he recapitulates every article which was at that time inquirable in the sessions.

But, gentlemen, I think I may be excused at present from taking up so much of your time; for though we are assembled to exercise the jurisdiction of a very ancient and

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honourable liberty, yet, as there is another sessions of justices, within that county of which this liberty is a part, before whom indictments for all crimes of the deeper dye are usually preferred, it seems rather to savour of ostentation than utility, to run over those articles which in great probability will not come before you.

And indeed a perfect knowledge of the law in these matters is not necessary to a grand juror; for in all cases of indictments, whether for a greater or a lesser, a public, or private crime, the business of a grand jury is only to attend to the evidence for the king; and if on that evidence there shall appear a probable cause for the accusation, they are to find the true bill, without listening to any circumstances of defence, or to any matter of law.

And therefore my Lord Hale, vol. ii. fol. 158, puts this case: "If A be killed by B, so that the person of the slayer and slain be certain; and a bill of murder be presented to the grand jury, regularly they ought to find the bill for murder, and not for manslaughter, or *se defendendo;* because otherwise offences may be smothered without due trial; and when the party comes on his trial, the whole fact will be examined before the court and the petty jury; for if a man kills B in his own defence or *per infortunium*, or possibly in executing the process of law upon an assault made upon him, or in his own defence on the highway, or in defence of his house against those that come to rob him (in which three last cases it is neither felony nor forfeiture, but, upon not guilty pleaded, he ought to be acquitted); yet if the grand inquest find an *ignoramus* upon the bill, or find the special matter, whereby the prisoner is dismissed and discharged, he may nevertheless be indicted for murder seven years after;" whereas, if upon a proper finding he had been acquitted he could never afterwards be again arraigned without having the plea of *autrefoits acquit.*

This doctrine of the learned chief justice you will apply to whatever case may come before you; for wherever you shall find probable cause, upon the oaths of the king's

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witnesses, you will not discharge your office without finding the bill to be true, showing no regard to the nature of the crime, or the degree of the guilt; which are matters proper for the cognizance and determination of the court only.

I must not, however, omit, on the authority of the last-mentioned judge, H. P. C. ii. 157, "that if, upon the hearing the king's evidence, or upon your own knowledge of the incredibility of the witnesses, you shall be dissatisfied, you may then return the bill *ignoramus*."

It is true my Lord Hale confines this to indictments for capital offences; but I see no reason why it may not be extended to any indictment whatever.

One caution more occurs on this head of indictment; and it is the duty of secrecy. To have revealed the king's counsel disclosed to the grand jurors was formerly taken to be felony; nay, Justice Shard, in the 27th year of the book of assizes, Placit. 63, doubted whether it was not treason; and though at this day the law be not so severe, yet is this still a very great misdemeanour, and fineable as such, and is moreover a manifest breach of your oath.

I come now, gentlemen, to the second branch of your duty, namely, that of presenting all offences which shall come to your knowledge.

And this is much more painful, and of greater difficulty than the former; for here you are obliged, without any direct accusation, to inform yourselves as well as is possible of the truth of the fact, and in some measure likewise to be conusant of those laws which subject offences to your presentment.

Upon this head, therefore, I shall beg leave to remind you of those articles which seem to be most worthy of your inquiry at this time; for indeed it would be useless and tedious to enumerate the whole catalogue of misdemeanours that are to be found in our statutes; many of which, though still in force, are, by the changes of times and fashions, become antiquated, and of little use. *Cessante ratione legis, cessat et ipsa lex;* and there are some accidental and

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temporary evils which at particular seasons have, like an epidemic distemper, affected society, but have afterwards disappeared, or at least made very faint efforts to corrupt the public morals. The laws made to suppress such, though very wholesome and necessary at the time of their creation, become obsolete with the evil which occasioned them, and which they were intended to cure. But, gentlemen, there are evils of a more durable kind, which rather resemble chronical than epidemic diseases; and which have so inveterated themselves in the blood of the body politic, that they are perhaps never to be totally eradicated. These it will be always the duty of a magistrate to palliate and keep down as much as possible. And these, gentlemen, are the misdemeanours of which you are to present as many as come to your knowledge.

And first, gentlemen, I will remind you of presenting all offences committed immediately against the Divine Being; for though all crimes do include in them some degree of sin, and may therefore be considered as offences against the Almighty; yet there are some more directly levelled at His honour, and which the temporal laws do punish as such.

And, 1. All blasphemous expressions against any one of the Sacred Persons in the Trinity are severely punishable by the common law; for, as my Lord Hale says, in Taylor's case, 1 Vent. 293, 3 Keb. 607. 621. S.C., "Such kind of wicked blasphemous words are not only an offence against God and religion, but a crime against the laws, state, and government;" and in that case the defendant for blasphemy, too horrible indeed to be repeated, was sentenced to stand three times in the pillory, to pay a great fine, and to find security for his good behaviour during life.

In like manner, all scandalous and contemptuous words spoken against our holy religion are by the wisdom of the common law made liable to an indictment; for "Christianity" (says that excellent chief justice, in the case I have just cited) "is parcel of the laws of England; therefore to reproach the Christian religion is to speak in subversion of the law." And to the same purpose is Atwood's case, in

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Cro. Jac. 421, where one was indicted before the justices of peace for saying, that the religion now professed was a new religion within fifty years, &c. For as to the doubt concerning the high commissioners started in that case, and then, as it appears, over-ruled, that is now vanished.

Nor are our statutes silent concerning this dreadful offence; particularly by 1 Eliz. c. 2, sect. 9, a severe punishment is enacted for any person who shall, in any interludes, plays, songs, rhymes, or by other open words, declare or speak any thing in derogation, depraving or despising the Book of Common Prayer, &c.

Mr. Lambard, I find, mentions this act in his charge, though the execution of it be in the counties confined to the justices of Oyer and Terminer, and of assize; but the 22nd sect. of the statute seems to give a clear jurisdiction to this court, at two of our quarter-sessions.

The last offence of this kind which the wicked tongue of man can commit is by profane cursing and swearing. This is a sin expressly against the law delivered by God Himself to the Jews, and which is as expressly prohibited by our blessed Saviour in His sermon on the mount.

Many statutes have been made against this offence; and by the last of these, which was enacted in the nineteenth year of the present king, every day-labourer, common soldier, common sailor, and common seaman, forfeits one shilling; every other person under the degree of a gentleman, two shillings; and every person of or above that degree five shillings.

And in case any person shall after such conviction offend again he forfeits double; and for every offence after a second conviction treble.

Though the execution of this act be entrusted to one single magistrate, and no jurisdiction, unless by appeal, given to the sessions; yet I could not forbear mentioning it here, when I am speaking in the presence of many peace-officers, who are to forfeit forty shillings for neglecting to put the act in execution. And I mention it the rather to inform them, that whenever the offender is unknown to any constable, petty constable, tithingman, or other peace officer,

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such constable, &c. is empowered by the act, without any warrant, to seize and detain any such persons, and forthwith to carry him before the next magistrate.

And if these officers would faithfully discharge the duty thus enjoined them, and which religion, as well as the law, requires of them, our streets would soon cease to resound with this detestable crime, so injurious to the honour of God, so directly repugnant to His positive commands, so highly offensive to the ears of all good men, and so very scandalous to the nation in the ears of foreigners.

Having despatched those misdemeanours (the principal ones at least) which are immediately committed against God, I come now to speak of those which are committed against the person of the king, which person the law wisely holds to be sacred.

Besides those heinous offences against this sacred person which are punished *ultimo supplicio*, there are many articles, some of which involve the criminal in the guilt of præmunire, and others are considered in law as misprisions or contempts. The former of these is by Mr. Serjeant Hawkins, in his Pleas of the Crown, divided into two general heads: viz.—

Into offences against the crown.

And offences against the authority of the king and parliament.

Under the former head he enumerates nine several articles; but as these chiefly relate to such invasions of the royal prerogative as were either made in Popish ages in favour of the Bishops of Rome, or in those times which bordered on the reformation in favour of the Church of Rome, and are not practised, at least not openly practised, in these days, I shall have no need to repeat them here.

Under the latter head he mentions only one, which was enacted in the reign of Queen Anne, 6 Ann. c. 7. If any person shall maliciously and directly, by preaching, teaching, or advised speaking, declare, maintain, and affirm, that the pretended Prince of Wales hath any right or title to the crown of these realms, or that any other person or persons

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hath or have any right or title to the same, otherwise than according to the acts of settlement; or that the kings or queens of this realm, with the authority of parliament, are not able to make laws to limit the crown and the descent, &c., thereof, shall incur a præmunire.

A most wholesome and necessary law. And yet so mild hath been our government, that I remember no one instance of putting it in execution.

Misprisions or contempts are against the king's prerogative, against his title, or against his sacred person or government.

Under these heads will fall any act of public and avowed disobedience; any denying his most just and lawful title to the crown; any overt act which directly tends to encourage or promote rebellion or sedition; all false rumours against his majesty, or his councils; all contemptuous language concerning his sacred person, by cursing, reviling him, &c., or by uttering any thing which manifests an intention of lessening that esteem, awe, and reverence, which subjects ought to bear to the best of princes.

These are offences, gentlemen, which I must earnestly recommend to your inquiry. This, gentlemen, is your duty as grand jurors; and it must be a most pleasing task to you as you are Englishmen; for in proportion as you love and esteem your liberties, you will be fired with love and reverence toward a prince under whose administration you enjoy them in the fullest and amplest manner.

Believe me, gentlemen, notwithstanding all which the malice of the disappointed, the madness of republicans, or the folly of Jacobites, may insinuate, there is but one method to maintain the liberties of this country, and that is, to maintain the crown on the heads of that family which now happily enjoys it.

If ever subjects had reason to admire the justice of that sentiment of the poet Claudian, "That liberty never flourishes so happily as under a good king," we have reason at present for that admiration.

I am afraid, gentlemen, this word liberty, though so much

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talked of, is but little understood. What other idea can we have of liberty than that it is the enjoyment of our lives, our persons, and our properties in security; to be free masters of ourselves and our possessions, as far as the known laws of our country will admit; to be liable to no punishment, no confinement, no loss, but what those laws subject us to! Is there any man ignorant enough to deny that this is the description of a free people? or base enough to accuse me of panegyric, when I say this is our present happy condition?

But if the blessing of liberty, like that of health, be not to be perceived by those who enjoy it, or at least must be illustrated by its opposite, let us compare our own condition with that of other countries; of those whose polity some among us pretend so much to admire, and whose government they seem so ardently to affect. *Lettres de Cachet*, Bastiles, and Inquisitions, may, perhaps, give us a livelier sense of a just and mild administration, than any of the blessings we enjoy under it.

Again, gentlemen, let us compare the present times with the past. And here I need not resort back to those distant ages when our unhappy forefathers petitioned their conqueror, "that he would not make them so miserable, nor be so severe to them, as to judge them by a law they understood not." These are the very words, as we find them preserved in Daniel; in return to which, the historian informs us, nothing was obtained but fair promises. I shall not dwell here on the tyranny of his immediate successor, of whom the same historian records, that, "seeking to establish absolute power by force, he made both himself and his people miserable."

I need not, gentlemen, here remind you of the oppressions under which our ancestors have groaned in many other reigns, to shake off which the sword of civil war was first drawn in the reign of King John, which was not entirely sheathed during many successive generations.

I might, perhaps, have a fairer title to your patience in laying open the tyrannical proceedings of latter times,

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while the crown was possessed by four successive princes of the House of Stuart. But this, gentlemen, would be to trespass on your patience indeed; for to mention all their acts of absolute power, all their attempts to subvert the liberties of this nation, would be to relate to you the history of their reigns.

In a word, gentlemen, all the struggles which our ancestors have so bravely maintained with ambitious princes, and particularly with the last mentioned family, was to maintain and preserve to themselves and their posterity, that very liberty which we now enjoy, under a prince to whom I may truly apply what the philosopher long ago said of virtue, *That all who truly know him, must love him.*

The third general head of misdemeanours, gentlemen, is of those which are committed against the subject; and these may be divided into two branches:—

Into such as are committed against individuals only:
And into such as affect the public in general.

The former of these will probably come before you by way of indictment; for men are apt enough to revenge their own quarrels; but offences *in commune nocumentum* do not so certainly find an avenger; and thus those crimes, which it is the duty of every man to punish, do often escape with impunity.

Of these, gentlemen, it may be therefore proper to awaken your inquiry, and particularly of such as do in a more especial manner infest the public at this time.

The first of this kind is the offence of profligate lewdness; a crime of a very pernicious nature to society, as it tends to corrupt the morals of our youth, and is expressly prohibited by the law of God, under the denunciation of the severest judgment, in the New Testament. Nay, we read in the 25th chapter of Numbers the exceeding wrath of God against the children of Israel for their fornication with the daughters of Moab. Nor did the plague, which on that occasion was sent among them, and which destroyed four and twenty thousand, cease, till Phineas, the son of Eleazer,

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and grandson of Aaron, had slain the Israelite together with his harlot.

And this, gentlemen, though a spiritual offence, and of a very high nature too, as appears from what I have mentioned, is likewise a temporal crime, and as Mr. Lambard (122) says, against the peace.

My Lord Coke, in his third Institute, 206, tells us, that, in ancient times, adultery and fornication were punished by fine and imprisonment, and were inquirable in turns and leets. And in the year-book of Hen. VII. 1 H. vii. fol. 6. plac. 3, we find the custom of London pleaded for a constable to seize a woman taken in the act of adultery, and to carry her to prison.

And though later times have given up this matter in general to ecclesiastical jurisdiction, yet there are two species which remain at this day cognizable by the common law.

The first is, any open act of lewdness and indecency in public, to the scandal of good manners.

And therefore, in Michaelmas term, 15 Car. II. B. R. Sir Charles Sedley was indicted for having exposed himself naked in a balcony in Covent Garden, to a great multitude of people, with many indecent words and actions; and this was laid to be contrary to the king's peace, and to the great scandal of Christianity. He confessed the indictment; and Siderfin, 1 Sid. 168, who reports the case, tells us, that the court, in consideration of his embarrassed fortune, fined him only two thousand marks, with a short imprisonment, and to be bound three years to his good behaviour. An infamous punishment for a gentleman, but far less infamous than the offence. If any facts of this nature shall come to your knowledge, you will, I make no doubt, present them, without any respect to persons. Sex or quality may render the crime more atrocious, and the example more pernicious; but can give no sanction to such infamous offences, nor will, I hope, ever give impunity.

The second species which falls under this head, is the crime of keeping a brothel or bawdy-house. This is a

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kind of common nuisance, and is punishable by the common law.

It is true, that certain houses of this kind, under the name of public stews, have been sometimes tolerated in Christian countries, to the great scandal of our religion, and in direct contradiction to its positive precepts; but in the thirty-seventh year of Henry VIII. they were all suppressed by proclamation. And those infamous women who inhabited them were not, says Lord Coke, either buried in Christian burial when they were dead, nor permitted to receive the rites of the church while they lived.

And, gentlemen, notwithstanding the favour which the law in many cases extends to married women, yet in this case the wife is equally indictable, and may be found guilty with her husband.

Nor is it necessary that the person be master or mistress of the whole house; for if he or she have only a single room, and will therewith accommodate lewd people to perpetrate acts of uncleanness, they may be indicted for keeping a bawdy-house. And this was the resolution of the whole court, in the Queen and Peirson. Salk. 332.

Nor is the guilt confined to those who keep such houses; those who frequent them are no less liable to the censure of the law. Accordingly we find in the select cases printed at the end of Lord Ch. J. Popham's reports, that a man was indicted in the beginning of the reign of Charles I., at the sessions of peace for the town of Northampton, for frequenting a suspected bawdy-house. And the indictment being removed into the King's Bench, several objections were taken to it, which were all over-ruled, judgment was given upon it, and the defendant fined.

If you shall know, therefore, gentlemen, of any such crimes, it will be your duty to present them to the court.

For however lightly this offence may be thought or spoken of by idle and dissolute persons, it is a matter of serious and weighty consideration. It is the cause, says my Lord Coke, of many mischiefs, the fairest end whereof is beggary; and tends directly to the overthrow of men's bodies, to

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the wasting of their livelihood, and to the endangering of their souls.

To eradicate this vice out of society, however it may be the wish of sober and good men, is, perhaps, an impossible attempt; but to check its progress, and to suppress the open and more profligate practice of it, is within the power of the magistrate, and it is his duty. And this is more immediately incumbent upon us, in an age when brothels are become in a manner the seminaries of education, and that especially of those youths, whose birth makes their right institution of the utmost consequence to the future well-being of the public; for whatever may be the education of these youths, however vitiated and enervated their minds and bodies may be with vices and diseases, they are born to be the governors of our posterity. If therefore, through the egregious folly of their parents, this town is to be the school of such youths, it behoves us, gentlemen, to take as much care as possible to correct the morals of that school.

And, gentlemen, there are other houses, rather less scandalous, perhaps, but equally dangerous to the society; in which houses the manners of youth are greatly tainted and corrupted. These are those places of public rendezvous, where idle persons of both sexes meet in a very disorderly manner, often at improper hours, and sometimes in disguised habits. These houses, which pretend to be the scenes of innocent diversion and amusement, are, in reality, the temples of iniquity. Such meetings are *contra bonos mores;* they are considered in law in the nature of a nuisance; and, as such, the keepers and maintainers of them may be presented and punished.

There is a great difference, gentlemen, between a morose and over sanctified spirit which excludes all kind of diversion, and a profligate disposition which hurries us into the most vicious excesses of this kind. "The common law," says Mr. Pulton, in his excellent treatise *de Pace*, fol. 25. b. "allows many recreations, which be not with intent to break or disturb the peace, or to offer violence, force, or hurt to the person of any; but either to try activity, or to increase

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society, amity, and neighbourly friendship." He there enumerates many sorts of innocent diversions of the rural kind, and which for the most part belong to the lower sort of people. For the upper part of mankind, and in this town, there are many lawful amusements, abundantly sufficient for the recreation of any temperate and sober mind. But, gentlemen, so immoderate are the desires of many, so hungry is their appetite for pleasure, that they may be said to have a fury after it; and diversion is no longer the recreation or amusement, but the whole business of their lives. They are not content with three theatres, they must have a fourth; where the exhibitions are not only contrary to law, but contrary to good manners, and where the stage is reduced back again to that degree of licentiousness which was too enormous for the corrupt state of Athens to tolerate; and which as the Roman poet, rather, I think, in the spirit of a censor than a satirist, tells us, those Athenians, who were not themselves abused, took care to abolish, from their concern for the public.

Gentlemen, our newspapers, from the top of the page to the bottom, the corners of our streets up to the very eaves of our houses, present us with nothing but a view of masquerades, balls, and assemblies of various kinds, fairs, wells, gardens, &c., tending to promote idleness, extravagance, and immorality, among all sorts of people.

This fury after licentious and luxurious pleasures is grown to so enormous a height, that it may be called the characteristic of the present age. And it is an evil, gentlemen, of which it is neither easy nor pleasant to foresee all the consequences. Many of them, however, are obvious; and these are so dreadful, that they will, I doubt not, induce you to use your best endeavours to check the farther increase of this growing mischief; for the rod of the law, gentlemen, must restrain those within the bounds of decency and sobriety, who are deaf to the voice of reason, and superior to the fear of shame.

Gentlemen, there are another sort of these temples of iniquity, and these are gaming-houses. This vice, gentle-

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men, is inseparable from a luxurious and idle age; for while luxury produces want, idleness forbids honest labour to supply it. All such houses are nuisances in the eye of the common law; and severe punishments, as well on those who keep them, as on those who frequent and play at them, are inflicted by many statutes. Of these houses, gentlemen, you will, I doubt not, inquire with great diligence; for though possibly there may be some offenders out of your reach, yet if those within be well and strictly prosecuted, it may, perhaps, in time, have some effect on the others. Example in this case may, contrary to its general course, move upwards; and men may become ashamed of offending against those laws with impunity, by which they see their inferiors brought to punishment. But if this effect should not be produced, yet, gentlemen, there is no reason why you should not exert your duty as far as you are able, because you cannot extend it as far as you desire. And to say the truth, to prevent gaming among the lower sort of people, is principally the business of society; and for this plain reason, because they are the most useful members of the society; which, by such means, will lose the benefit of their labour. As for the rich and great, the consequence is generally no other than the exchange of property from the hands of a fool into those of a sharper, who is, perhaps, the more worthy of the two to enjoy it.

I will mention only one article more, and that of a very high nature indeed. It is, gentlemen, the offence of libelling, which is punished by the common law, as it tends immediately to quarrels and breaches of the peace, and very often to bloodshed and murder itself.

The punishment of this offence, saith my Lord Coke, is fine or imprisonment; and if the case be exorbitant, by pillory and loss of ears.

And, gentlemen, even the last of these judgments will appear extremely mild, if we consider, in the first place, the atrocious temper of mind from which this proceeds.

Mr. Pulton, in the beginning of his treatise *de Pace*, says of a libeller, "that he is a secret canker, which concealeth

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his name, hideth himself in a corner, and privily stingeth his neighbour in his fame, reputation, and credit; who neither knows from whom, nor from what cause he receiveth his blows, nor hath any means to defend himself:" and my Lord Coke, in his 5th Report (125), compares him to a poisoner, who is the meanest, the vilest, and most dangerous of all murderers. Nor can I help repeating to you a most beautiful passage in the great orator Demosthenes, who compares this wretch to a viper, which men ought to crush wherever they find him, without staying till he bite them.

In the second place, if we consider the injury done by these libellers, it must raise the indignation of every honest and good man; for what is this but, as Mr. Pulton says, "a note of infamy, intended to defame the person at whom it is levelled, to tread his honour and estimation in the dust, to extirpate and root out his reputation from the face of the earth, to make him a scorn to his enemies, and to be derided and despised by his neighbours?"

If praise, and honour, and reputation, be so highly esteemed by the greatest and best of men, that they are often the only rewards they propose to themselves from the noblest actions; if there be nothing too difficult, too dangerous, or too disagreeable for men to encounter, in order to acquire and preserve these rewards; what a degree of wickedness and barbarity must it be, unjustly and wantonly to strip men of that on which they place so high a value?

Nor is reputation to be considered as a chimerical good, or as merely the food of vanity and ambition. Our worldly interest is closely connected with our fame; by losing this, we are deprived of the chief comforts of society, particularly of that which is most dear to us, the friendship and love of all good and virtuous men. Nay, the common law indulged so great a privilege to men of good reputation in their neighbourhood, that in many actions the defendant's word was taken in his own cause, if he could bring a certain number of his neighbours to vouch that they believed him.

On the contrary, whoever robs us of our good name, doth

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not only expose us to public contempt and avoidance, but even to punishment; for by the statute 34 Edw. III. c. 1, the justices of the peace are empowered and directed to bind all such as be not of good fame to their good behaviour, and, if they cannot find sufficient sureties, they may be committed to prison.

Seeing, therefore, the execrable mischiefs perpetrated by this secret canker, this viper, this poisoner, in society, we shall not wonder to hear him so severely condemned in Scripture; nor that Aristotle in his Politics should mention slander as one of those great evils which it is difficult for a legislator to guard against; that the Athenians punished it with a very severe and heavy fine, and the Romans with death.

But though the libeller of private persons be so detestable a vermin, yet is the offence still capable of aggravation, when the poison is scattered upon public persons and magistrates. All such reflections are, as my Lord Coke observes, a scandal on the government itself; and such scandal tends not only to the breach of the peace, but to raise seditions and insurrections among the whole body of the people.

And, gentlemen, the higher and greater the magistrates be against whom such slanders are propagated, the greater is the danger to the society; and such we find to have been the sense of the legislature in the second year of Richard II. For in the statute of that year, chap. 5, it is said, "that by such means discords may arise between the lords and commons, whereof great peril and mischief might come to all the realm, and quick subversion and destruction of the said realm." And of such consequence was this apprehended to be, that we find no less than four statutes to prohibit and punish it; viz. Westm. 1. c. 33. 2 R. II. c. 5. 12 R. II. 11. and 2 and 3 P. & M. c. 12. By this last statute a jurisdiction was given to the justices of peace to inquire of all such offences; and if it was by book, ballad, letter, or writing, the offender's right hand was to be stricken off for the first offence, and for the second he was to incur a præmunire.

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This last statute was afterwards prolonged in the last year of Queen Mary, and in the first of Elizabeth, during the life of that princess, and of the heirs of her body.

I have mentioned these laws to you, gentlemen, to show you the sense of our ancestors of a crime, which, I believe, they never saw carried to so flagitious a height as it is at present; when, to the shame of the age be it spoken, there are men who make a livelihood of scandal. Most of these are persons of the lowest rank and education, men, who lazily declining the labour to which they were born and bred, save the sweat of their brows at the expense of their consciences; and in order to get a little better livelihood, are content to get it, perhaps, in a less painful, but in a baser way than the meanest mechanic.

Of these, gentlemen, it is your business to inquire; of the devisers, of the writers, of the printers, and of the publishers of all such libels; and I do heartily recommend this inquiry to your care.

To conclude, gentlemen, you will consider yourselves as now summoned to the execution of an office of the utmost importance to the well-being of this community; nor will you, I am confident, suffer that establishment, so wisely and carefully regulated, and so stoutly and zealously maintained by your wise and brave ancestors, to degenerate into mere form and shadow. Grand juries, gentlemen, are, in reality, the only censors of this nation. As such, the manners of the people are in your hands, and in yours only. You, therefore, are the only correctors of them. If you neglect your duty, the certain consequences to the public are too apparent; for, as in a garden, however well cultivated at first, if the weeder's care be omitted, the whole must in time be over-run with weeds, and will resemble the wildness and rudeness of a desert; so if those immoralities of the people, which will sprout up in the best constitution, be not from time to time corrected by the hand of justice, they will at length grow up to the most enormous vices, will overspread the whole nation, and, in the end, must produce a downright state of wild and savage barbarism.

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To this censorial office, gentlemen, you are called by our excellent constitution. To execute this duty with vigilance, you are obliged by the duty you owe both to God and to your country. You are invested with full power for the purpose. This you have promised to do, under the sacred sanction of an oath; and you are all met, I doubt not, with disposition and resolution to perform it, with that zeal which I have endeavoured to recommend, and which the peculiar licentiousness of the age so strongly requires.

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AN INQUIRY INTO THE

CAUSES OF THE

LATE INCREASE OF ROBBERS, &c.

WITH SOME PROPOSALS

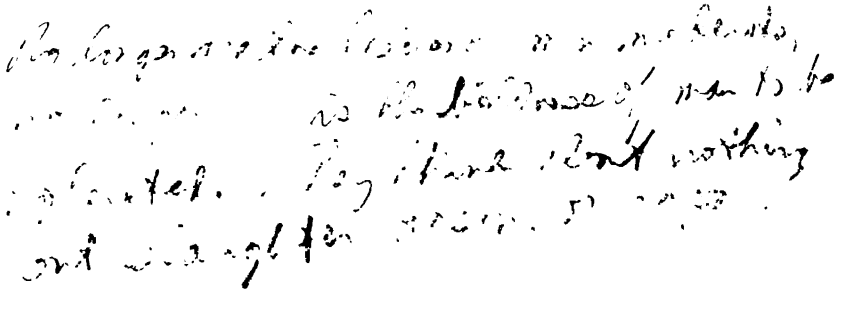
FOR REMEDYING THIS GROWING EVIL

IN WHICH

THE PRESENT REIGNING VICES ARE IMPARTIALLY EXPOSED; AND THE LAWS THAT RELATE TO THE PROVISION FOR THE POOR, AND TO THE PUNISHMENT OF FELONS ARE LARGELY AND FREELY EXAMINED

"*Non jam sunt mediocres hominum libidines, non humanæ audaciæ ac tolerandæ. Nihil cogitant nisi cædem, nisi incendia, nisi rapinas.*"

CIC. in Catil. 2da.



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DEDICATION

TO THE RIGHT HONOURABLE

PHILIP LORD HARDWICKE

LORD HIGH CHANCELLOR OF GREAT BRITAIN

My Lord,—As the reformation of any part of our civil polity requires as much the knowledge of the statesman as of the lawyer, the following sheets are, with the strictest propriety, addressed to a person of the highest eminence in both these capacities.

The subject of this treatise cannot be thought unworthy of such a protection, because it touches only those evils which have arisen in the lower branches of our constitution. This consideration will account for their having hitherto escaped your lordship's notice; and that alone will account for their having so long prevailed; but your lordship will not, for this reason, think it below your regard; since, however ignoble the parts may be in which the disease is first engendered, it will in time be sure to affect the whole body.

The subject, indeed, is of such importance, that we may truly apply to it those words of Cicero, in his first book of

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laws: *Ad Reipublicæ formandas et stabiliendas vires, et ad sanandos Populos omnis pergit Oratio.* How far I have been able to succeed in the execution must be submitted to your lordship's candour. I hope I have no immodest opinion of my own abilities; but, in truth, I have much less confidence in my authority. Indeed, the highest authority is necessary to any degree of success in an attempt of this kind. Permit me, therefore, my lord, to fly to the protection of the highest which doth now exist, or which perhaps ever did exist, in this kingdom.

This great sanction is, I am convinced, always ready to support what really tends to the public utility; if I fail, therefore, of obtaining the honour of it, I shall be fully satisfied that I do not deserve it, and shall sit down contented with the merit of a good intent; for surely there is some praise due to the bare design of doing a service to the public. Nor can my enemies, I think, deny that I am entirely disinterested in my endeavour, unless they should discover the gratification which my ambition finds in the opportunity of this address. I am, with the most profound respect,

My Lord,
Your Lordship's most obedient,
Most devoted humble servant,
HENRY FIELDING.

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PREFACE

THERE is nothing so much talked of, and so little understood in this country as the Constitution. It is a word in the mouth of every man; and yet when we come to discourse of the matter there is no subject on which our ideas are more confused and perplexed. Some, when they speak of the Constitution, confine their notions to the law; others to the legislature; others, again, to the governing or executive part; and many there are, who jumble all these together in one idea. One error, however, is common to them all; for all seem to have the conception of something uniform and permanent, as if the constitution of England partook rather of the nature of the soil than of the climate, and was as fixed and constant as the former, not as changing and variable as the latter.

Now in this word, the Constitution, are included the original and fundamental laws of the kingdom, from whence all powers are derived, and by which they are circumscribed; all legislative and executive authority; all those municipal provisions which are commonly called the Laws; and, lastly, the customs, manners, and habits of the people. These, joined together, do, I apprehend, form the political, as the several members of the body, the animal economy, with the humours and habit, compose that which is called the natural constitution.

The Greek philosophy will, perhaps, help us to a better idea; for neither will the several constituent parts, nor the contexture of the whole, give an adequate notion of

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the word. By the Constitution is, indeed, rather meant something which results from the order and disposition of the whole; something resembling that harmony for which the Theban in Plato's Phædo contends; which he calls, *ἀόρατόν τι καὶ ἀσώματον, something invisible and incorporeal.* For many of the Greeks imagined the soul to result from *κρᾶσις*, or composition of the parts of the body, when these were properly tempered together; as harmony doth from the proper composition of the several parts in a well-tuned musical instrument: In the same manner, from the disposition of the several parts in a state, arises that which we call the Constitution.

In this disposition the laws have so considerable a share, that, as no man can perfectly understand the whole, without knowing the parts of which it is composed, it follows, that, to have a just notion of our constitution without a competent knowledge of the laws, is impossible. Without this, the reading over our historians may afford amusement, but will very little instruct us in the true essentials of our constitution. Nor will this knowledge alone serve our purpose. The mere lawyer, however skilful in his profession, who is not versed in the genius, manners, and habits of the people, makes but a wretched politician. Hence the historian, who is ignorant of our law, and the lawyer, who is ignorant of our history, have agreed in that common error, remarked above, of considering our constitution as something fixed and permanent; for the exterior form of government (however the people are changed) still, in a great degree, remains what it was; and the same, notwithstanding all its alterations, may be said of the law.

To explain this a little farther: From the original of the lower house of parliament to this day, the supreme power hath been vested in the king and the two houses of parliament. These two houses have, each at different times, carried very different weights in the balance, and yet the form of government remained still one and the same; so hath it happened to the law; the same courts of justice, the same form of trials, &c., have preserved the notion of

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identity, though, in real truth, the present governing powers, and the present legal provisions, bear so little resemblance to those of our ancestors in the reign of King John, or indeed in later times, that could any lawyer or statesman of those days be recalled to life, he would make, I believe, a very indifferent figure in Westminster Hall, or in any of the parts there adjacent.

To perceive the alterations in our constitution, doth, in fact, require a pretty just knowledge both of the people and of the laws; for either of these may be greatly changed, without producing any immediate effect on the other. The alterations in the great wheels of state above mentioned, which are so visible in our historians, are not noticed in our laws, as very few of the great changes in the law have fallen under the eye of our historians.

Many of both kinds have appeared in our constitution; but I shall at present confine myself to one only, as being that which principally relates to the subject of the following treatise.

If the constitution, as I have above asserted, be the result of the disposition of the several parts before mentioned, it follows, that this disposition can never be altered, without producing a proportional change to the constitution. "If the soul," says Simmias in Plato, "be a harmony resulting from the disposition of the corporeal parts, it follows, that when this disposition is confounded, and the body is torn by diseases or other evils, the soul immediately (whatever be her divinity) must perish." This will be apparent, if we cast our eyes a moment towards the animal economy; and it is no less true in the political.

The customs, manners, and habits of the people, do, as I have said, form one part of the political constitution; if these are altered, therefore, this must be changed likewise; and here, as in the natural body, the disorder of any part will, in its consequence, affect the whole.

One known division of the people in this nation is into the nobility, the gentry, and the commonalty. What alterations have happened among the two former of these, I shall

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not at present inquire; but that the last, in their customs, manners, and habits, are greatly changed from what they were, I think to make appear.

If we look into the earliest ages, we shall find the condition of this third part to have been very low and mean. The highest order of this rank, before the conquest, were those tenants in socage, who held their lands by the service of the plough; who, as Lyttelton tells us, "were to come with their plough for certain days in the year, to plough and sow the demesne of the lords;" as the villains, saith the same author, "were to carry and recarry the dung of his lord, spread it upon his land, and to perform such like services."

This latter was rightly accounted a slavish tenure. The villains were indeed considered in law as a kind of chattel belonging to their masters; for though these had not the power of life and death over them, nor even of maiming them with impunity, yet these villains had not even the capacity of purchasing lands or goods; but the lord on such purchase, might enter into the one, and seize the other for his own use. And as for the land which they held in villanage, though Lord Coke says it was not only held at the will of the lord, but according to the custom of the manor; yet, in ancient times, if the lord ejected them, they were manifestly without remedy.

And as to the former, though they were accounted freemen, yet were they obliged to swear fealty to their lord; and though Mr. Rapin be mistaken, when he says they could not alienate the land (for before the statute of Magna Charta, chap. 32, they could have given or sold the whole, but without any alteration of the tenure,) yet was the estate of these but very mean. "Though they are called freemen," says Lord Coke, "yet they ploughed, harrowed, reaped, and mowed, &c., for the lord;" and Bracton, *Dicuntur Socmanni eo quod deputat sunt tantummodo ad culturam.*

Besides such as were bound by their tenures to the service of agriculture, the number of freemen below the degree of gentry, and who got their livelihood in the mercantile or

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mechanical way, was very inconsiderable. As to the servants, they were chiefly bound by tenure, and those of the lower sort differed very little from slaves.

That this estate of the commonalty is greatly changed, is apparent; and to this alteration many causes in subsequent ages have contributed.

First, the oath of fealty, or fidelity, which of old time was administered with great ceremony, became afterwards to be omitted; and though this fealty still remained incident to every socage tenure, yet the omission of the form was not without its consequences; for, as Lord Coke says, speaking of homage, *Prudent antiquity did, for the more solemnity and better memory and observation of that which is to be done, express substances under ceremonies.*

Secondly, Whereas in the ancient tenures the principal reservation was of personal services from the inferior tenants, the rent being generally trifling, such as hens, capons, roses, spurs, hawks, &c., afterwards the avarice or necessity of the lords incited them to convert these for the most part into money, which tended greatly to weaken the power of the lord, and to raise the freedom and independency of the tenant.

Thirdly, The dismembering manors by leases for years, as it flowed from the same sources, so it produced the same effects. These were probably very rare before the reign of Edward I., at which time the statute of Gloucester secured the estate of the tenant.

Fourthly, The estate of the villain or copyhold seems clearly, as I have said, to have originally been holden only at the will of the lord; but the law was afterwards altered, and in the reign of Edward IV. some of the best judges were of opinion, that if the copyholder was unlawfully ejected by his lord, he should have an action of trespass against him at the common law.

From this time the estate of the copyholder (which, as Britton tells us, was formerly a base tenure) began to grow into repute, and, though still distinguished in some privileges from a freehold, became the possession of many opulent and powerful persons.

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By these and such like means the commonalty, by degrees, shook off their vassalage, and became more and more independent on their superiors. Even servants, in process of time, acquired a state of freedom and independency, unknown to this rank in any other nation, and which, as the law now stands, is inconsistent with a servile condition.

But nothing hath wrought such an alteration in this order of people, as the introduction of trade. This hath indeed given a new face to the whole nation, hath in a great measure subverted the former state of affairs, and hath almost totally changed the manners, customs, and habits of the people, more especially of the lower sort. The narrowness of their fortune is changed into wealth; the simplicity of their manners into craft; their frugality into luxury; their humility into pride, and their subjection into equality.

The philosopher, perhaps, will think this a bad exchange, and may be inclined to cry out with the poet,

——— "*Sævior armis*
Luxuria incubuit.——
Nullum crimen abest, facinusque libidinis, ex quo
Paupertas Romana perit."

Again,

"*Prima peregrinos obscœna pecunia mores*
Intulit, et turpi fregerunt sæcula luxu
Divitiæ molles ——."

But the politician finds many emoluments to compensate all the moral evils introduced by trade, by which the grandeur and power of the nation is carried to a pitch that it could never otherwise have reached; arts and sciences are improved, and human life is embellished with every ornament, and furnished with every comfort, which it is capable of tasting.

In all these assertions he is right; but surely he forgets himself a little, when he joins the philosopher in lamenting the introduction of luxury as a casual evil; for as riches are the *certain* consequence of trade, so is luxury the no less *certain* consequence of riches; nay, trade and luxury do

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indeed support each other; and this latter, in its turn, becomes as useful to trade, as trade had been before to the support of luxury.

To prevent this consequence therefore of a flourishing commerce is totally to change the nature of things, and to separate the effect from the cause. A matter as impossible in the political body as in the natural. Vices and diseases, with like physical necessity, arise from certain habits in both; and to restrain and palliate the evil consequences is all that lies within the reach of art. How far it is the business of the politician to interfere in the case of luxury, we have attempted to show in the following treatise.

Now, to conceive that so great a change as this in the people should produce no change in the constitution, is to discover, I think, as great ignorance as would appear in the physician, who should assert, that the whole state of the blood may be entirely altered from poor to rich, from cool to inflamed, without producing any alteration in the constitution of the man.

To put this in the clearest light; there appear to me to be four sorts of political power; that of bodily strength, that of the mind, the power of the purse, and the power of the sword. Under the second of these divisions may be ranged all the art of the legislator and politician, all the power of laws and government. These do constitute the civil power; and a state may then be said to be in good order, when all the other powers are subservient to this; when they own its superior excellence and energy, pay it a ready obedience, and all unite in support of its rule.

But so far are these powers from paying such voluntary submission, that they are all extremely apt to rebel, and to assert their own superiority; but none is more rebellious in its nature, or more difficult to be governed, than that of the purse or money. Self-opinion, arrogance, insolence, and impatience of rule, are its almost inseparable companions.

Now if these assertions are true, what an immense accession of this power hath accrued to the commonalty by the increase of trade; for though the other orders have acquired

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an addition by the same means, yet this is not in the same proportion, as every reader, who will revolve the proposition but a moment in his own mind, must be satisfied.

And what may we hence conclude? Is that civil power, which was adapted to the government of this order of people in that state in which they were at the conquest, capable of ruling them in their present situation? Hath this civil power kept equal pace with them in the increase of its force, or hath it not rather, by the remissness of the magistrate, lost much of its ancient energy? Where is now that power of the sheriff, which could formerly awaken and arm a whole county in an instant? where is that *posse comitatus*, which attended at his beck? What is become of the Constitutions of Alfred, which the reader will find set forth at large in the following treatise? what of the ancient conservators of the peace? Have the justices, on whom this whole power devolves, an authority sufficient for the purpose? In some counties, perhaps, you may find an overgrown tyrant, who lords it over his neighbours and tenants with despotic sway, and who is as regardless of the law as he is ignorant of it; but as to the magistrate of a less fortune, and more knowledge, every riotous independent butcher or baker, with two or three thousand pounds in his pocket, laughs at his power, and every pettifogger makes him tremble.

It is a common and popular complaint, that the justices of peace have already too much power. Indeed, a very little is too much, if it be abused; but, in truth, this complaint proceeds from a mistake of business for power: The business of the justice is indeed multiplied by a great number of statutes; but I know not of any (the Riot Act perhaps excepted) which hath at all enlarged his power. And what the force of that act is, and how able the magistrate is, by means of the civil power alone, to execute it in any popular commotion, I have myself experienced. But when a mob of chairmen or servants, or a gang of thieves and sharpers, are almost too big for the civil authority to suppress, what must be the case in a seditious tumult, or general riot of the people?

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From what hath been said, I may, I think, conclude, that the constitution of this country is altered from its ancient state.

Secondly, That the power of the commonalty hath received an immense addition: and that the civil power having not increased, but decreased, in the same proportion, is not able to govern them.

What may and must be the consequences of this, as well as what remedy can be applied to it, I leave to the consideration of others: I have proceeded far enough already on the subject, to draw sufficient ill-will on myself, from unmeaning or ill-meaning people, who either do not foresee the mischievous tendency of a total relaxation of government, or who have some private wicked purpose to effect from public confusion.

In plain truth, the principal design of this whole work is to rouse the civil power from its present lethargic state. A design, which alike opposes those wild notions of liberty that are inconsistent with all government, and those pernicious schemes of government which are destructive of true liberty. However contrary indeed these principles may seem to each other, they have both the same common interest; or, rather, the former are the wretched tools of the latter; for anarchy is almost sure to end in some kind of tyranny.

Dr. Middleton, in his Life of Cicero, hath a fine observation to my present purpose, with which I will conclude this Preface:—

"From the railleries of the Romans (says he) on the *barbarity and misery of our island*, one cannot help reflecting on the surprising fate and revolutions of kingdoms; how Rome, once the mistress of the world, the seat of arts, empire, and glory, now lies sunk in sloth, ignorance, and poverty; enslaved to the most cruel, as well as to the most contemptible of tyrants, *superstition*, and *religious imposture:* while this remote country, anciently the jest and contempt of *the polite Romans*, is become the happy seat of liberty, plenty, and letters; flourishing in all the arts and refinements of civil life; yet running perhaps, the same course,

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which Rome itself had run before it; from virtuous industry to wealth; from wealth to luxury; from luxury to an impatience of discipline and corruption of morals; till, by a total degeneracy and loss of virtue, being grown ripe for destruction, it falls a prey at last to some hardy oppressor, and, with the loss of liberty, losing every thing else that is valuable, sinks gradually again into its original barbarism."

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AN INQUIRY INTO THE CAUSES

OF THE LATE

INCREASE OF ROBBERS, &c.

INTRODUCTION.

THE great increase of robberies within these few years is an evil which to me appears to deserve some attention; and the rather as it seems (though already become so flagrant) not yet to have arrived to that height of which it is capable, and which it is likely to attain; for diseases in the political, as in the natural body, seldom fail going on to their crisis, especially when nourished and encouraged by faults in the constitution. In fact, I make no doubt, but that the streets of this town, and the roads leading to it, will shortly be impassable without the utmost hazard; nor are we threatened with seeing less dangerous gangs of rogues among us, than those which the Italians call the Banditti.

Should this ever happen to be the case, we shall have sufficient reason to lament that remissness by which this evil was suffered to grow to so great a height. All distempers, if I may once more resume the allusion, the sooner they are opposed, admit of the easier and the safer cure. The great difficulty of extirpating desperate gangs of robbers,

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when once collected into a body, appears from our own history in former times. France hath given us a later example in the long reign of Cartouche, and his banditti; and this under an absolute monarchy, which affords much more speedy and efficacious remedies against these political disorders, than can be administered in a free state, whose forms of correction are extremely slow and uncertain, and whose punishments are the mildest and the most void of terror of any other in the known world.

For my own part, I cannot help regarding these depredations in a most serious light; nor can I help wondering that a nation so jealous of her liberties, that from the slightest cause, and often without any cause at all, we are always murmuring at our superiors, should tamely and quietly support the invasion of her properties by a few of the lowest and vilest among us: doth not this situation in reality level us with the most enslaved countries? If I am to be assaulted, and pillaged, and plundered; if I can neither sleep in my own house nor walk the streets, nor travel in safety; is not my condition almost equally bad whether a licensed or unlicensed rogue, a dragoon or a robber, be the person who assaults and plunders me? The only difference which I can perceive is, that the latter evil appears to be more easy to remove.

If this be, as I clearly think it is, the case, surely there are few matters of more general concern than to put an immediate end to these outrages, which are already become so notorious, and which, as I have observed, seem to threaten us with such a dangerous increase. What indeed may not the public apprehend, when they are informed as an unquestionable fact, that there are at this time a great gang of rogues, whose number falls little short of a hundred, who are incorporated in one body, have officers and a treasury, and have reduced theft and robbery into a regular system. There are of this society men who appear in all disguises, and mix in most companies. Nor are they better versed in every art of cheating, thieving, and robbing, than they are armed with every method of evading the law, if they should ever be discovered

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and an attempt made to bring them to justice. Here, if they fail in rescuing the prisoner, or (which seldom happens) in bribing or deterring the prosecutor, they have for their last resource some rotten members of the law to forge a defence for them, and a great number of false witnesses ready to support it.

Having seen the most convincing proofs of all this, I cannot help thinking it high time to put some stop to the farther progress of such impudent and audacious insults, not only on the properties of the subject, but on the national justice, and on the laws themselves. The means of accomplishing this (the best which suggest themselves to me) I shall submit to the public consideration, after having first inquired into the causes of the present growth of this evil, and whence we have great reason to apprehend its farther increase. Some of these, I am too well versed in the affairs of this world to expect to see removed; but there are others, which, without being over sanguine, we may hope to remedy; and thus perhaps one ill consequence, at least, of the more stubborn political diseases may cease.

SECTION I.

OF TOO FREQUENT AND EXPENSIVE DIVERSIONS AMONG THE LOWER KIND OF PEOPLE.

FIRST then, I think, that the vast torrent of luxury, which of late years hath poured itself into this nation, hath greatly contributed to produce, among many others, the mischief I here complain of. I am not here to satirise the great, among whom luxury is probably rather a moral than a political evil. But vices no more than diseases will stop with them; for bad habits are as infectious by example, as the plague itself by contact. In free countries, at least, it is a branch of liberty claimed by the people to be as

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wicked and as profligate as their superiors. Thus while the nobleman will emulate the grandeur of a prince, and the gentleman will aspire to the proper state of the nobleman, the tradesman steps from behind his counter into the vacant place of the gentleman. Nor doth the confusion end here; it reaches the very dregs of the people, who aspiring still to a degree beyond that which belongs to them, and not being able by the fruits of honest labour to support the state which they affect, they disdain the wages to which their industry would entitle them; and abandoning themselves to idleness, the more simple and poor-spirited betake themselves to a state of starving and beggary, while those of more art and courage become thieves, sharpers, and robbers.

Could luxury be confined to the palaces of the great, the society would not, perhaps, be much affected with it; at least, the mischiefs, which I am now intending to obviate, can never be the consequence. For though, perhaps, there is not more of real virtue in the higher state, yet the sense of honour is there more general and prevalent. But there is a much stronger reason. The means bear no probable proportion to the end; for the loss of thousands, or of a great estate, is not to be relieved or supplied by any means of common theft or robbery.—With regard to such evils, therefore, the legislature might be justified in leaving the punishment as well as the pernicious consequence, to end in the misery, distress, and sometimes utter ruin of a private family. But when this vice descends downward to the tradesman, the mechanic, and the labourer, it is certain to engender many political mischiefs, and among the rest it is most evidently the parent of theft and robbery, to which not only the motive of want but of shame conduces; for there is no greater degree of shame than the tradesman generally feels at the first inability to make his regular payments; nor is there any difficulty which he would not undergo to avoid it. Here then the highway promises, and hath, I doubt not, often given relief. Nay, I remember very lately a highwayman who confessed several robberies before me, his motive

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to which, he assured me (and so it appeared), was to pay a bill that was shortly to become due. In this case, therefore, the public becomes interested, and consequently the legislature is obliged to interpose.

To give a final blow to luxury by any general prohibition, if it would be advisable, is by no means possible. To say the truth, bad habits in the body politic, especially if of any duration, are seldom to be wholly eradicated. Palliatives alone are to be applied; and these too in a free constitution must be of the gentlest kind, and as much as possible adapted to the taste and genius of the people.

The gentlest method which I know, and at the same time perhaps one of the most effectual, of stopping the progress of vice, is by removing the temptation. Now the two great motives to luxury, in the mind of men, are vanity and voluptuousness. The former of these operates but little in this regard with the lower order of people. I do not mean that they have less of this passion than their betters; but the apparent impossibility of gratifying it this way deters them, and diverts at least this passion into another channel; for we find it puts them rather on vying with each other in the reputation of wealth, than in the outward appearance of show and grandeur. Voluptuousness, or the love of pleasure, is that alone which leads them into luxury. Here then the temptation is with all possible care to be withdrawn from them.

Now what greater temptation can there be to voluptuousness, than a place where every sense and appetite of which it is compounded are fed and delighted; where the eyes are feasted with show, and the ears with music, and where gluttony and drunkenness are allured by every kind of dainty; nay, where the finest women are exposed to view, and where the meanest person who can dress himself clean, may in some degree mix with his betters, and thus perhaps satisfy his vanity as well as his love of pleasure?

It may possibly be said that these diversions are cheap: I answer, that is one objection I have to them; was the

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price as high as that of a ridotto, or an opera, it would, like these diversions, be confined to the higher people only; besides, the cheapness is really a delusion. Unthinking men are often deceived into expense, as I once knew an honest gentleman, who carried his wife and two daughters to a masquerade, being told that he could have four tickets for four guineas; but found afterwards, that in dresses, masques, chairs, &c., the night's entertainment cost him almost twelve. I am convinced that many thousands of honest tradesmen have found their expenses exceed their computation in a much greater proportion. And the sum of seven or eight shillings (which is a very moderate allowance for the entertainment of the smallest family) repeated once or twice a week through a summer, will make too large a deduction from the reasonable profits of any low mechanic.

Besides the actual expense in attending these places of pleasure, the loss of time, and neglect of business, are consequences which the inferior tradesman can by no means support. To be born for no other purpose than to consume the fruits of the earth is the privilege (if it may be really called a privilege) of very few. The greater part of mankind must sweat hard to produce them, or society will no longer answer the purposes for which it was ordained. *Six days shalt thou labour*, was the positive command of God in His own republic. A severity, however, which the divine wisdom was pleased somewhat to relax; and appointed certain times of rest and recreation for His people. Such were the feasts of the unleavened bread, the feast of the weeks, and the feast of the tabernacles. On which occasions it is written, "Thou shalt rejoice before the Lord thy God, thou, and thy son, and thy daughter, and thy servant, and thy maid, and the Levite that is within thy gates, and the stranger, and the fatherless, and the widow."[1]

All other nations have imitated this divine institution. It is true, among the Greeks, arising from the nature of their superstition, there were many festivals; yet scarce any of these were universal, and few attended with any other than

[1] Exod. chap. xxxiv. Deut. chap. xvi.

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religious ceremonies.[1] The Roman calendar is thinner strewed with these seasons of idleness. Indeed there seems to have been one kind only of universal sport and revelling amongst them, which they called the *Saturnalia*, when much too great indulgence was given to all kinds of licentiousness. Public scenes of rendezvous they had none. As to the Grecian women, it is well known they were almost entirely confined to their own houses; where the very entertainment of their finest ladies was only work of the finer sorts. And the Romans by the Orchian law, which was made among many others for the suppression of luxury, and was published in the third year from Cato's censorship, thought proper to limit the number of persons who were to assemble even at any private feast.[2] Nay, the exhibitions of the theatre were suffered only at particular seasons, and on holidays.

Nor are our own laws silent on this head, with regard at least to the lowest sort of people, whose diversions have been confined to certain stated times. Mr. Pulton,[3] speaking of those games and assemblies of the people which are lawful, says, that they are lawful at certain places and seasons of the year, allowed by old and ancient customs. The statute of Henry VIII.[4] goes farther, and expressly enacts, that no manner of artificer or craftsman, of any handicraft or occupation, husbandman, apprentice, &c., shall play at the tables, tennis, dice, cards, bowls, &c., out of Christmas, under the penalty of 20*s*.

Thus we find that by divine as well as human institution, as well by our own laws as those of other countries, the diversions of the people have been limited and restrained to certain seasons; under which limitations, Seneca calls these

[1] The gods, says Plato, pitying the laborious condition to which men were born, appointed holy rites to themselves, as seasons of rest to men; and gave them the Muses, with Apollo their leader, and Bacchus, to assist in the celebrations, &c. De Leg. l. ii. p. 787, edit. Ficini.

[2] Macrob. Saturnal. lib. ii. c. xiii. Note, This RIOT ACT passed in one of the freest ages of the Roman republic.

[3] De Pace, fol. 25.

[4] 33 Hen. VIII. c. ix.

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diversions the necessary temperament of labour. "Some remission," says he, "must be given to our minds, which will spring up the better and more brisk from rest. It is with the mind as with a fruitful field, whose fertility will be exhausted if we give it no intermission. The same will accrue to the mind by incessant labours, whereas both from gentle remission will acquire strength. From constant labour arises a certain dulness and languor of the spirits; nor would men with such eagerness affect them, if sport or merriment had not a certain natural sweetness inherent in themselves; the frequent use of which however will destroy all gravity and force in our minds. Sleep is necessary to our refreshment, but if this be continued night and day, it will become death. There is a great difference between the remission of any thing and its dissolution. Lawgivers, therefore, instituted certain holidays, that the people might be compelled by law to merriment, interposing this as a necessary temperament to their labours."[1]

Thus the Greek and Latin philosophers, though they derive the institution differently, the one alleging a divine and the other a human original, both agree that a necessary relaxation from labour was the only end for which diversion was invented and allowed to the people. This institution, as the former of these great writers tells us, was grossly perverted even in his time; but surely neither then, nor in any age or nation, until now, was this perversion carried to so scandalous an excess as it is at present in this kingdom, and especially in and near the metropolis, where the places of pleasure are almost become numberless; for, besides those great scenes of rendezvous, where the nobleman and his tailor, the lady of quality and her tirewoman, meet together and form one common assembly, what an immense variety of places have this town and its neighbourhood set apart for the amusement of the lowest order of the people; and where the master of the house, or wells, or garden, may be said to angle only in the kennels, where, baiting with the vilest materials, he catches only the thoughtless and tasteless

[1] Sen. De Tranquill. Animi, p. 167. edit. Lips.

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rabble; these are carried on, not on a single day, or in a single week; but all of them during half, and some during the whole year.

If the computation was made of the money expended in these temples of idleness by the artificer, the handicraftsman, the apprentice, and even the common labourer, the sum would appear excessive; but without putting myself to that trouble, I believe the reader will permit me to conclude that it is much greater than such persons can or ought to afford; especially as idleness, its necessary attendant, adds greatly to the debtor's side in the account; and that the necessary consequence must be ruin to many, who, from being useful members of the society, will become a heavy burden or absolute nuisance to the public. It being indeed a certain method to fill the streets with beggars, and the gaols with debtors and thieves.

That this branch of luxury hath grown to its present height, is owing partly to a defect in the laws; and this defect may, with great decency and respect to the legislature, be very truly imputed to the recency of the evil; for as our ancestors knew it not, they may be well excused for not having foreseen and guarded against it. If therefore it should seem now necessary to be retrenched, a new law will, I apprehend, be necessary for that purpose; the powers of the magistrate being scarce extensive enough, under any provision extant, to destroy a hydra now become so pregnant and dangerous. And it would be too dangerous as well as too invidious a task to oppose the mad humours of the populace, by the force of any doubtful obsolete law; which, as I have hinted before, could not have been directly levelled at a vice which did not exist at the time when the law was made.

But while I am recommending some restraint of this branch of luxury, which surely appears to be necessary, I would be understood to aim at the retrenchment only, not at the extirpation of diversion; nay, and in this restraint, I confine myself entirely to the lower order of people. Pleasure always hath been, and always will be, the principal business of

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persons of fashion and fortune, and more especially of the ladies, for whom I have infinitely too great an honour and respect to rob them of any their least amusement. Let them have their plays, operas, and oratorios, their masquerades and ridottos; their assemblies, drums, routs, riots, and hurricanes; their Ranelagh and Vauxhall; their Bath, Tunbridge, Bristol, Scarborough, and Cheltenham; and let them have their beaus and danglers to attend them at all these; it is the only use for which such beaus are fit; and I have seen, in the course of my life, that it is the only one to which, by sensible women, they are applied.

In diversions, as in many other particulars, the upper part of life is distinguished from the lower. Let the great therefore answer for the employment of their time to themselves, or to their spiritual governors. The society will receive some temporal advantage from their luxury. The more toys which children of all ages consume, the brisker will be the circulation of money, and the greater the increase of trade.

The business of the politician is only to prevent the contagion from spreading to the useful part of mankind, the ΕΠΙΠΟΝΟΝ ΠΕΦΥΚΟΣ ΓΕΝΟΣ;[1] and this is the business of persons of fashion and fortune too, in order that the labour and industry of the rest may administer to their pleasures, and furnish them with the means of luxury. To the upper part of mankind time is an enemy, and (as they themselves often confess) their chief labour is to kill it; whereas, with the others, time and money are almost synonymous; and as they have very little of each to spare, it becomes the legislature, as much as possible, to suppress all temptations whereby they may be induced too profusely to squander either the one or the other; since all such profusion must be repaired at the cost of the public.

Such places of pleasure, therefore, as are totally set apart for the use of the great world, I meddle not with. And though Ranelagh and Vauxhall, by reason of their price, are not entirely appropriated to the people of fashion, yet

[1] Plato.

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they are seldom frequented by any below the middle rank; and a strict regard to decency is preserved in them both. But surely two such places are sufficient to contain all those who have any title to spend their time in this idle, though otherwise innocent way. Nor should such a fashion be allowed to spread into every village in London, and by degrees all over the kingdom; by which means, not only idleness, but all kinds of immorality, will be encouraged.

I cannot dismiss this head, without mentioning a notorious nuisance which hath lately arisen in this town; I mean, those balls where men and women of loose reputation meet in disguised habits. As to the masquerade in the Haymarket, I have nothing to say; I think really it is a silly rather than a vicious entertainment; but the case is very different with those inferior masquerades; for these are indeed no other than the temples of drunkenness, lewdness, and all kinds of debauchery.

SECTION II.

OF DRUNKENNESS, A SECOND CONSEQUENCE OF LUXURY AMONG THE VULGAR.

BUT the expense of money, and loss of time, with their certain consequences, are not the only evils which attend the luxury of the vulgar; drunkenness is almost inseparably annexed to the pleasures of such people. A vice by no means to be construed as a spiritual offence alone, since so many temporal mischiefs arise from it; amongst which are very frequently robbery, and murder itself.

I do not know a more excellent institution than that of Pittacus, mentioned by Aristotle in his Politics;[1] by which a blow given by a drunken man was more severely

[1] L. ii. c. x.

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punished than if it had been given by one that was sober; "For Pittacus," says Aristotle, "considered the utility of the public (as drunken men are more apt to strike) and not the excuse which might otherwise be allowed to their drunkenness." And so far both the civil law and our own have followed this institution, that neither have admitted drunkenness to be an excuse for any crime.

This odious vice (indeed the parent of all others), as history informs us, was first introduced into this kingdom by the Danes, and with very mischievous effects. Wherefore that excellent Prince Edgar the Peaceable, when he set about reforming the manners of his people, applied himself very particularly to the remedy of this great evil, and ordered silver or gold pins to be fixed to the sides of their pots and cups, beyond which it was not lawful for any person to drink.[1]

What penalty was affixed to the breach of this institution I know not; nor do I find any punishment in our books for the crime of drunkenness, till the time of Jac. I. in the fourth year of whose reign it was enacted, "That every person lawfully convicted of drunkenness, shall, for every such offence, forfeit the sum of five shillings, to be paid within a week next after his, her, or their conviction, to the hands of the churchwardens of the parish where, &c., to the use of the poor. In default of payment, the sum to be levied by distress, and, in default of distress, the offender is to be committed to the stocks, there to remain for the space of six hours."[2]

For the second offence they are to be bound to their good behaviour, with two sureties, in a recognisance of ten pounds.[3]

Nor is only that degree of drunkenness forbidden, which Mr. Dalton describes, "so as to stagger and reel to and fro, and where the same legs which carry him into a house cannot carry him out again,"[4] for, by the same act of parliament, all persons who continue drinking or tippling in

[1] Eachard, p. 88.
[2] Jac. I. chap. v.
[3] Jac. I. chap. v. sect. 6.
[4] Dalt. chap. vii. sect. 5.

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any inn, victualling-house, or alehouse, in their own city, town or parish (unless such as, being invited by a traveller, shall accompany him during his necessary abode there; or except labouring and handicraftsmen in cities and corporate and market towns, upon a working-day, for an hour at dinner-time, in alehouses where they take their diet; and except labourers and workmen, who, during their continuance in any work, shall lodge or victual in any inn, &c., or except for some urgent and necessary occasion, to be allowed by two justices of the peace,) shall forfeit the sum of three shillings and sixpence, for the use of the poor; to be levied as before, and, for want of distress, to be put in the stocks for four hours.[1]

This act hath been still farther enforced by another in the same reign.[2] By the latter act, the tippler is liable, whether his habitation be within the same or any other parish. Secondly, The proof by one witness is made sufficient; and thirdly, A very extraordinary clause is added, by which the oath of the party offending, after having confessed his own crime, is made evidence against any other offender, though at the same time.

Thus we see the legislature have taken the utmost care not only to punish, but even to prevent this vice of drunkenness, which the preamble of one of the foregoing statutes calls a *loathsome* and *odious sin*, and the root and foundation of many other enormous sins, as murder, &c. Nor doth the wisdom of our law stop here. Our cautious ancestors have endeavoured to remove the temptation, and, in a great measure, to take away from the people their very power of offending this way. And this by going to the fountain-head, and endeavouring to regulate and restrain the scenes of these disorders, and to confine them to those uses for which they were at first designed; namely, for the rest, refreshment, and convenience of travellers.

A cursory view of the statutes on this head will demonstrate of what consequence to society the suppression of this vice was in the opinion of our ancestors.

[1] Jac. I. chap. iv. sect. 4, & 1. Jac. I. chap. ix. [2] 21 Jac. I. chap. vii.

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By the common law, inns and alehouses might be kept *ad libitum;* but if any disorders were suffered in them, they were indictable as a common nuisance.

The first reform which I find to have been made by parliament was in the reign of Henry VII.,[1] when two justices were empowered to suppress an alehouse.

The statute of Edward VI.[2] is the first which requires a precedent licence. By this act no man can keep an alehouse, without being licensed by the sessions, or by two justices; but now, by a late statute, all licences granted by justices out of their sessions are void.[3]

By the statute of Charles I.,[4] which alters the penalties of that of Edward VI., the punishment for keeping an alehouse, or common selling ale, beer, cyder, and perry, without a licence, is to pay twenty shillings to the use of the poor, to be levied by distress; which, if satisfaction be not made within three days, is to be sold. And if there be no goods whereon to distrain, and the money be not paid within six days after conviction, the offender is to be delivered to the constable, or some inferior officer, to be whipped. For the second offence, he is to be committed to the house of correction for a month; and for the third, he is to be committed to the said house, till, by order of the justices, at their general sessions, he be discharged.

The conviction is to be on the view of the justice, confession of the party, or by the oath of two witnesses.

And by this statute, if the constable or officer to whom the party is committed to be whipped, &c., do not execute his warrant, the justice shall commit him to prison, there to remain till he shall procure some one to execute the said warrant, or until he shall pay forty shillings to the use of the poor.

The justices, at the time of granting the licence, shall take a recognisance from the party not to suffer any unlawful games, nor other disorders, in his house; which is to

[1] 11 Hen. VII.
[2] 5 Edw. VI. c. xxv.
[3] 2 Geo. II. c. xxviii. sect. 11.
[4] 3 Car. I. cap. iv.

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be certified to the sessions, and the justices there have a power to proceed for the forfeiture.[1]

By the statute of Jac. I.,[2] alehouse-keepers, who suffer townsmen to sit tippling, unless in the cases above mentioned,[3] forfeit ten shillings to the poor; the distress to be sold within six days; and if no distress can be had, the party is to be committed till the forfeiture is paid.

Vintners who keep inns or victualling-houses are within this act.[4]

And by two several statutes,[5] alehouse-keepers, convicted of this offence, are prohibited from keeping an alehouse for the space of three years.

Justices of peace likewise, for any disorders committed in alehouses contrary to the condition of the recognisance, may suppress such houses;[6] but then the proceeding must be on the recognisance and the breach of the condition proved.[7]

Now, on the concise view of these several laws, it appears, that the legislature have been abundantly careful on this head; and that the only blame lies on the remissness with which these wholesome provisions have been executed.

But though I will not undertake to defend the magistrates of former times, who have surely been guilty of some neglect of their duty; yet, on behalf of the present commissioners of the peace, I must observe, their case is very different. What physicians tell us of the animal functions will hold true when applied to laws; both by long disuse lose all their elasticity and force. Froward habits grow on men, as they do on children, by long indulgence: nor will either submit easily to correction in matters where they have been accustomed to act at their pleasure. They are very different offices to execute a new or a well known law and to revive one which is obsolete. In the case of a known law, custom brings men to submission; and in all

[1] 5 E. VI. ubi sup.
[2] Cap. ix. ubi sup.
[3] Supra, p. 14. in the case of tipplers.
[4] 1 Car. I. cap. iv.
[5] 7 Jac. I. cap. x., 21 Jac. I. cap. vii.
[6] 5 E. VI. ubi sup.
[7] Salk. 45.

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new provisions the ill-will, if any, is levelled at the legislature, who are much more able to support it than a few or a single magistrate. If therefore it be thought proper to suppress this vice, the legislature must once more take the matter into their hands; and to this perhaps they will be the more inclined when it comes to their knowledge, that a new kind of drunkenness, unknown to our ancestors, is lately sprung up amongst us, and which, if not put a stop to, will infallibly destroy a great part of the inferior people.

The drunkenness I here intend is that acquired by the strongest intoxicating liquors, and particularly by that poison called *Gin;* which I have great reason to think is the principal sustenance (if it may be so called) of more than a hundred thousand people in this metropolis. Many of these wretches there are who swallow pints of this poison within the twenty-four hours; the dreadful effects of which I have the misfortune every day to see, and to smell too. But I have no need to insist on my own credit, or on that of my informers; the great revenue arising from the tax on this liquor (the consumption of which is almost wholly confined to the lowest order of people) will prove the quantity consumed better than any other evidence.

Now, besides the moral ill consequences occasioned by this drunkenness, with which, in this treatise, I profess not to deal; how greatly must this be supposed to contribute to those political mischiefs which this essay proposes to remedy? This will appear from considering, that however cheap this vile potion may be, the poorer sort will not easily be able to supply themselves with the quantities they desire; for the intoxicating draught itself disqualifies them from using any honest means to acquire it, at the same time that it removes all sense of fear and shame, and emboldens them to commit every wicked and desperate enterprise. Many instances of this I see daily; wretches are often brought before me, charged with theft and robbery, whom I am forced to confine before they are in a condition to be examined; and when they have afterwards become sober, I have plainly perceived, from the state of the case, that the

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Gin alone was the cause of the transgression, and have been sometimes sorry that I was obliged to commit them to prison.

But beyond all this there is a political ill consequence of this drunkenness, which, though it doth not strictly fall within my present purpose, I shall be excused for mentioning, it being indeed the greatest evil of all, and which must, I think, awaken our legislature to put a final period to so destructive a practice. And this is that dreadful consequence which must attend the poisonous quality of this pernicious liquor to the health, the strength, and the very being of numbers of his majesty's most useful subjects. I have not enough of physical knowledge to display the ill effects which such poisonous liquors produce in the constitution; for these I shall refer the reader to The Physical Account of the Nature of all Distilled Spirituous Liquors, and the Effect they have on Human Bodies.[1] And though, perhaps, the consequence of this poison, as it operates slowly, may not so visibly appear in the diminution of the strength, health, and lives, of the present generation; yet let a man cast his eyes but a moment towards our posterity, and there the dreadful consequences must strike on the meanest capacity, and must alarm, I think, the most sluggish degree of public spirit. What must become of the infant who is conceived in Gin? with the poisonous distillations of which it is nourished both in the womb and at the breast. Are these wretched infants (if such can be supposed capable of arriving at the age of maturity) to become our future sailors, and our future grenadiers? Is it by the labour of such as these that all the emoluments of peace are to be procured us, and all the dangers of war averted from us? What could an Edward or a Henry, a Marlborough or a Cumberland, effect with an army of such wretches? Doth not this polluted source, instead of producing servants for the husbandman or artificer, instead of providing recruits for the sea or the field, promise

[1] This was composed by a very learned divine, with the assistance of several physicians, and published in the year 1736. The title is, Distilled Spirituous Liquors the Bane of the Nation.

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only to fill almshouses and hospitals, and to infect the streets with stench and diseases?

In solemn truth, there is nothing of more serious consideration, nor which more loudly calls for a remedy, than the evil now complained against. For what can be more worthy the care of the legislature, than to preserve the morals, the innocence, the health, strength, and lives, of a great part (I will repeat, the most useful part) of the people? So far am I, in my own opinion, from representing this in too serious or too strong a light, that I can find no words, or metaphor, adequate to my ideas on this subject. The first inventor of this diabolical liquor may be compared to the poisoner of a fountain, whence a large city was to derive its waters, the highest crime, as it hath been thought, of which human nature is capable. A degree of villainy, indeed, of which I cannot recollect any example; but surely if such was ever practised, the governors of that city could not be thought blameless, did they not endeavour, to the utmost, to withhold the citizens from drinking the poisonous draught; and, if such a general thirst after it prevailed as we are told possessed the people of Athens at the time of the plague,[1] what could justify the not effectually cutting off all aqueducts by which the poison was dispersed among the people?

Nor will any thing less than absolute deletion serve on the present occasion. It is not making men pay 50*l.* or 500*l.* for a licence to poison; nor enlarging the quantity from two gallons to ten, which will extirpate so stubborn an evil. Here may, perhaps, be no little difficulty. To lay the axe to the still-head, and prohibit all distillery in general, would destroy the chemist. If distilling this or that spirit was forbidden, we know how easily all partial prohibitions are evaded; nay, the chemist (was the matter confined to him) would soon probably become a common distiller, and his shop no better than a gin-shop; since what is more

[1] Ἕδρασαν ἐς φρέατα ἁπαύστῳ τῇ δίψῃ ξυνεχόμενοι. They ran into the wells, being constantly possessed by an inexhausted thirst. Thucydid. p. 112. edit. Hudsoni.

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common than for men to adopt the morals of a thief at a fire, and to work their own private emolument out of a public mischief? Suppose all spirituous liquors were, together with other poison, to be locked up in the chemists' or apothecaries' shops, thence never to be drawn, till some excellent physicians call them forth for the cure of nervous distempers; or suppose the price was to be raised so high, by a severe impost, that gin would be placed entirely beyond the reach of the vulgar! or perhaps the wisdom of the legislature may devise a better and more effectual way.

But if the difficulty be really insuperable, or if there be any political reason against the total demolition of this poison, so strong as to countervail the preservation of the morals, health, and beings, of such numbers of his majesty's subjects, let us, however, in some measure, palliate the evil, and lessen its immediate ill consequences, by a more effectual provision against drunkenness than any we have at present, in which the method of conviction is too tedious and dilatory. Some little care on this head is surely necessary; for, though the increase of thieves, and the destruction of morality, though the loss of our labourers, our sailors, and our soldiers, should not be sufficient reasons, there is one which seems to be unanswerable, and that is, the loss of our gin-drinkers; since, should the drinking this poison be continued in its present height during the next twenty years, there will, by that time, be very few of the common people left to drink it.

SECTION III.

OF GAMING AMONG THE VULGAR; A THIRD CONSEQUENCE OF THEIR LUXURY.

I COME now to the last great evil which arises from the luxury of the vulgar; and this is gaming; a school in which most highwaymen of great eminence have been bred.

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This vice is the more dangerous as it is deceitful, and, contrary to every other species of luxury, flatters its votaries with the hopes of increasing their wealth; so that avarice itself is so far from securing us against its temptations, that it often betrays the more thoughtless and giddy part of mankind into them; promising riches without bounds, and those to be acquired by the most sudden as well as easy and indeed pleasant means.

And here I must again remind the reader, that I have only the inferior part of mankind under my consideration. I am not so ill-bred as to disturb the company at a polite assembly; nor so ignorant of our constitution as to imagine that there is a sufficient energy in the executive part to control the economy of the great, who are beyond the reach of any, unless capital laws. Fashion, under whose guidance they are, and which created the evil, can alone cure it. With patience therefore must we wait, till this notable mistress of the few shall, in her good time, accomplish so desirable a change; in fact, till great men become wiser or better; till the prevalence of some laudable taste shall teach them a worthier manner of employing their time; till they have sense enough to be reasoned, modesty enough to be laughed, or conscience enough to be frightened, out of a silly, a shameful, and a sinful profligacy, attended with horrid waste of time, and the cruel destruction of the families of others, or of their own.

In the meantime, we may, I think, reasonably desire of these great personages, that they would keep their favourite vice to themselves, and not suffer others, whose birth or fortune gives them no title to be above the terror of the laws, or the censure of their betters, to share with them in this privilege. Surely we may give great men the same advice which Archer, in the play, gives to the officers of the army; *To kick out all——in red but their own.* What temptations can gamesters of fashion have to admit *inferior* sharpers into their society; common-sense surely will not suffer a man to risk a fortune against one who hath none of his own to stake against it.

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I am well apprised that this is not much the case with persons of the first figure; but to gentlemen (and especially the younger sort) of the second degree these fellows have found much too easy an access. Particularly at the several public places (I might have said gaming places) in this kingdom, too little care is taken to prevent the promiscuous union of company; and sharpers of the lowest kind have frequently there found admission to their superiors, upon no other pretence or merit than that of a laced coat, and with no other stock than that of assurance.

Some few of these fellows, by luckily falling in with an egregious bubble, some thoughtless young heir, or more commonly heiress, have succeeded in a manner which, if it may give some encouragement to others to imitate them, should, at the same time, as strongly admonish all gentlemen and ladies to be cautious with whom they mix in public places, and to avoid the sharper as they would a pest. But much the greater part of such adventurers have met with a more probable and more deserved fate; and having exhausted their little fund in their attempts, have been reduced to a dilemma, in which it required more judgment and resolution than are the property of many men, and more true sense of honour than belongs to any debauched mind, to extricate themselves by honest means. The only means, indeed, of this kind, are to quit their assumed station, and to return to that calling, however mean and laborious, to which they were born and bred.

But, besides that the way to this is often obstructed with almost insuperable difficulties; and false shame, at its very entrance, dashes them in the face, how easily are they dissuaded from such disagreeable thoughts by the temptations with which fortune allures them, of a possibility, at least, of still supporting their false appearances, and of retrieving all their former hopes! how greedily, may we imagine, this enchanting alternative will be embraced by every bold mind, in such circumstances! for what but the danger of the undertaking can deter one, who hath nothing of a gentleman but his dress, to attain which he hath already divested

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himself of all sense of honesty? how easy is the transition from fraud to force! from a gamester to a rogue! perhaps, indeed, it is civil to suppose it any transition at all.

From this source, therefore, several of our most notable highwaymen have proceeded; and this hath likewise been the source of many other depredations on the honest part of mankind. So mischievous have been this kind of sharpers in society, that they have fallen under the particular notice of the legislature; for a statute in the reign of Queen Anne, reciting, "That divers lewd and dissolute persons live at great expenses, having no visible estate, profession, or calling, to maintain themselves, but support those expenses by gaming only;" enacts, "That any two justices of the peace may cause to be brought before them all persons within their respective limits, whom they shall have just cause to suspect to have no visible estate, profession, or calling, to maintain themselves by, but do, for the most part, support themselves by gaming; and if such persons shall not make the contrary appear to such justices, they are to be bound to their good behaviour for a twelvemonth; and, in default of sufficient security, to be committed till they can find such security; which security (in case they give it) is to be forfeited on their playing or betting at any one time for more than the value of 20*s*."[1]

[1] 9 Annæ, chap. xiv. sect. 6, 7. It would be of great service to the public to extend this statute to idle persons and sharpers in general; for many support themselves by frauds, by cheating practices, even worse than gaming; and have the impudence to appear in the dress of gentlemen, and at public places, without having any pretensions of birth and fortune, or without any honest or visible means of livelihood whatever. Such a law would not be without a precedent; for such is the excellent institution mentioned by Herodotus, in his Euterpe,—"Amasis" (says that historian) "established a law in Egypt, that every Egyptian should annually declare before the governor of the province by what means he maintained himself; and all those who did not appear, or who could not prove that they had some lawful livelihood, were punished by death. This law Solon introduced into Athens, where it was long inviolably preserved as a most just and equitable provision." Herod. edit. Hudsoni, p. 158. This punishment is surely too severe; but the law under a milder penalty is well worthy to be adopted.

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As to gaming in the lower classes of life, so plainly tending to the ruin of tradesmen, the destruction of youth, and to the multiplication of every kind of fraud and violence, the legislature hath provided very wholesome laws.[1]

By the 33rd of Henry VIII. "Every artificer, craftsman of any handicraft or occupation, husbandman, labourer, servant at husbandry, journeyman or servant of artificer, mariners, fishermen, watermen, or any serving men, are prohibited from playing at tables, dice, cards, &c., out of Christmas, and in Christmas are permitted to play only in their masters' houses, or in his presence, under the penalty of 20*s.* And all manner of persons are prohibited from playing at any bowl or bowls, in any open place out of their garden or orchard, under the penalty of 6*s.* 8*d.*

"The conviction to be by action, information, bill, or otherwise, in any of the king's courts; one half of the penalty to the informer.

"Provided that servants may play at any times with their masters, or by their licence; and all persons who have 100*l.* per annum, freehold, may give their servants, or others, resorting to their houses, a licence to play within the precinct of their houses, gardens, or orchard."

By this statute likewise, "No person whatever, by himself, factor, deputy, servant, or other person, shall, for gain, keep, &c., any common, house, alley, or place of bowling, coyting, clash-coyls, half-bowl, tennis, dicing-table, or carding, or any other manner of game, prohibited by any statute heretofore made, or any unlawful game invented or made, or any other new unlawful game hereafter to be invented or made; the penalty is 40*s.* per day, for keeping the house, &c., and 6*s.* 8*d.* for every person haunting and playing at such house. These penalties to be recovered, &c., as above.

"And all leases of gaming-houses, alleys, &c., are made void at the election of the lessee."

[1] By a statute made in the reign of Edward IV. now repealed, playing at several games therein mentioned was punished by two years' imprisonment and the forfeiture of 10*l.*, and the master of the house was to be imprisoned for three years and to forfeit 20*l.* A great sum in those days.

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Farther, by the said statute, "Power is given to all justices of peace, mayors, or other head-officers, in every city, &c., to enter suspected houses and places, and to commit the keepers of the said houses, and the persons there haunting, resorting, and playing, to prison; and to keep them in prison, till the keepers have found sureties to enter into a recognisance to the king's use, no longer to keep such house, &c., and the persons there found to be bound by themselves, or with sureties, &c., at the discretion of the justice, &c., no more to haunt the said places, or play at any of the said games."

And now, by the statute of George II. this last clause is enforced, by giving the justice the same power on the information of two persons, as he had before on view; and, by a more explicit power, to take sureties or not of the party at his discretion.

Lastly, the statute of Henry VIII. enjoins the justices, &c., to make due search weekly, or once per month at the farthest, under the penalty of forfeiting 40*s.* for every month during their neglect.

Thus stands the law; by which it may appear, that the magistrate is armed with sufficient authority to destroy all gaming among the inferior people; and that, without his neglect or connivance, no such nuisance can possibly exist.

And yet, perhaps, the fault may not so totally lie at his door; for the recognisance is a mere bugbear, unless the party who breaks it should be sued thereon; which, as it is attended with great expense, is never done; so that, though many have forfeited it, not a single example of an estreat hath been made within my remembrance.

Again, it were to be wished, that the statute of George II. had required no more than one witness to the information; for even one witness, as I have found by experience, is very difficult to be procured.

However, as the law now is, seeing that the general bent of the people opposes itself to this vice, it is certainly in a great measure within the magistrate's power to suppress it, and so to harass such as propose to find their account in it,

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that these would soon be discouraged from the undertaking; nor can I conclude without observing, that this hath been lately executed with great vigour within the liberty of Westminster.

There are, besides, several other provisions in our statute books against this destructive vice. By the statute of Queen Anne[1] whoever cheats at play forfeits five times the sum won by such cheating, shall be deemed infamous, and suffer such corporal punishment as in case of perjury. And whoever wins above 10*l.* at any one sitting shall likewise forfeit five times the sum won. Going shares with the winner, and betting on his side, are, in both instances, within the act.

By the same act all securities for money won at play are made void; and if a mortgage be made on such account, the mortgagee doth not only lose all benefit of it, but the mortgage immediately enures to the use of the next heir.[2]

By this law persons who have lost above 10*l.* and have actually paid it may recover the same by action within three months; and if they do not sue for it within that time, any other person may.[3] And the defendant shall be liable to answer a bill for discovering such sum lost, upon oath.

By 18 George II.[4] whoever wins or loses 10*l.* at play or by betting at any one time, or 20*l.* within twenty-four hours, is liable to be indicted, and shall be fined five times the value of the money lost.

By 12 George II.[5] the games of Pharaoh, the Ace of Hearts, Basset, and Hazard, are declared to be lotteries; and all persons who set up, maintain, and keep them, forfeit 200*l.*, and all who play at them forfeit 50*l.* The conviction to be before one justice of peace, by the oath of one witness, or confession of the party. And the justice neglecting his duty forfeits 10*l.* *Note.* The prosecution against the

[1] 9 Annæ, chap. xiv. by which the statute of 16 C. II. is enlarged, and made more severe.
[2] Ibid. sect. 1.
[3] Ibid. sect. 2.
[4] Chap. xxxiv.
[5] Chap. xxviii.

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keeper, &c., may be for a lottery, on the 8 George I. where the penalty is 500*l.*

The act of 18 George II. includes the game of Roly Poly, or other prohibited game at cards or dice, within the penalties of the above mentioned.

I have given this short sketch of these several acts partly for the use and encouragement of informers, and partly to insinuate to certain persons with what decency they can openly offend against such plain, such solemn laws, the severest of which many of themselves have, perhaps, been the makers of. How can they seriously answer, either to their honour or conscience, giving the pernicious example of a vice, from which, as the legislature justly says in the preamble to the 16th of Charles II., "Many mischiefs and inconveniences do arise, and are daily found, in the encouraging of sundry idle and disorderly persons in their dishonest, lewd, and dissolute course of life; and to the circumventing, deceiving, cozening, and debauching of many of the younger sort, both of the nobility and gentry and others, to the loss of their precious time, and the utter ruin of their estates and fortunes, and withdrawing them from noble and laudable employments and exercises!" Will a nobleman, I ask, confess that he can employ his time in no better amusement; or will he frankly own that he plays with any other view than that of amusement? Lastly, what can a man who sins in open defiance of the laws of his country answer to the *vir bonus est quis?* Can he say,

"*Qui consulta patrum, qui leges juraque servat?*"

Or can he apply that celebrated line,

"*Oderunt peccare boni virtutis honore,*"

to himself, who owes to his greatness, and not to his innocence, that he is not deterred from such vices—*Formidine Pœnæ?*

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SECTION IV.

OF THE LAWS THAT RELATE TO THE PROVISION FOR THE POOR.

HAVING now run through the several immediate consequences of a general luxury among the lower people, all which, as they tend to promote their distresses, may be reasonably supposed to put many of them, of the bolder kind, upon unlawful and violent means of relieving the mischief which such vices have brought upon them, I come now to a second cause of the evil, in the improper regulation of what is called the poor in this kingdom, arising, I think, partly from the abuse of some laws, and partly from the total neglect of others; and (if I may presume to say it) somewhat perhaps from a defect in the laws themselves.

It must be matter of astonishment to any man to reflect, that in a country where the poor are, beyond all comparison, more liberally provided for than in any other part of the habitable globe, there should be found more beggars, more distressed and miserable objects, than are to be seen throughout all the states of Europe.

And yet, undoubted as this fact is, I am far from agreeing with Mr. Shaw,[1] who says, "There are few, if any, nations or countries where the poor are more neglected, or are in a more scandalous nasty condition, than in England. Whether," says he, "this is owing to that natural inbred cruelty for which Englishmen are so much noted among foreigners, or to that medley of religions which are so plentifully sown, and so carefully cherished among us; who think it enough to take care of themselves, and take a secret pride and pleasure in the poverty and distresses of those of another persuasion," &c.

That the poor are in a very nasty and scandalous condition is, perhaps, too true; but sure the general charge against the people of England, as well as the invidious aspersion on

[1] Vol. II. p. 1.

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particular bodies of them, is highly unjust and groundless. Nor do I know that any nation hath ventured to fix this character of cruelty on us. Indeed, our inhospitality to foreigners hath been sometimes remarked; but that we are cruel to one another is not, I believe, the common, I am sure it is not the true opinion. Can a general neglect of the poor be justly charged on a nation in which the poor are provided for by a tax, frequently equal to what is called the land-tax, and where there are such numerous instances of private donations, such numbers of hospitals, almshouses, and charitable provisions of all kinds?

Nor can any such neglect be charged on the legislature; under whose inspection this branch of polity hath been almost continually, from the days of Queen Elizabeth to the present time. Insomuch, that Mr. Shaw himself enumerates no less than thirteen acts of parliament relating to the indigent and helpless poor.

If therefore there be still any deficiency in this respect, it must, I think, arise from one of the three causes above mentioned; that is, from some defect in the laws themselves, or from the perversion of these laws; or, lastly, from the neglect in their execution.

I will consider all these with some attention.

The 43rd of Eliz.[1] enacts:

First, that the churchwardens of every parish, and two substantial householders, at least, shall be yearly appointed to be overseers of the poor.

Secondly, that these overseers shall, with the consent of two justices of the peace, put out apprentices the children of poor people. And all married or unmarried persons, who have no means or trade to maintain themselves, shall be put to work.

Thirdly, that they shall raise by a parochial tax a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor to work.

Fourthly, that they shall, from the same tax, provide

[1] Chap. iii.

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towards the necessary relief of the lame, impotent, old, blind, and others, being poor and not able to work.

Fifthly, that they shall, out of the same tax, put the children of poor persons apprentices.

That these provisions may all be executed, that act vested the overseers with the following powers; and enforced the executing them by the following penalties.

I. The overseers are appointed to meet once at least every month in the church after divine service; there, says the act, to consider of some good course to be taken, and some meet order to be set down *in the premises.* And to do this they are enjoined by a penalty; for every one absenting himself from such meeting, without a just excuse to be allowed by two justices of the peace, or being negligent in his office, or in the execution of the orders aforesaid, forfeits 20*s.*

And after the end of their year, and after other overseers nominated, they are, within four days, to make and yield up to two justices of the peace, a true and perfect account of all sums of money by them received or assessed, and of such stores as shall be in their hands, or in the hands of the poor, to work, and of all other things concerning their office, &c. And if the churchwardens and overseers refuse to account, they are to be committed by two justices till they shall have made a true account.

II. The overseers and churchwardens, both present and subsequent, are empowered, by warrant from two justices, to levy all the moneys assessed, and all arrearages of those who refuse to pay, by distress and sale of the refuser's goods; and the subsequent overseers may, in the same manner, levy the money and stock in the hands of the precedent; and for want of distress the party is to be committed by two justices, without bail, till the same be paid.

III. They have a power to compel the poor to work; and such as refuse or neglect, the justice may commit to the house of correction or common gaol.

IV. The overseers may compel children to be apprentices, and may bind them where they shall see convenient;

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till the man-child shall attain the age of twenty-four, and the woman-child the age of twenty-one, or till the time of her marriage; the indenture to be as effectual to all purposes as the covenant of one of full age.

V. They have a power to contract with the lord of the manor,[1] and, on any parcel of ground on the waste, to erect, at the general charge of the parish, convenient houses of dwelling for the impotent poor; and to place several inmates in the same cottage, notwithstanding the statute[2] of cottages.

VI. They can compel the father and grandfather, mother and grandmother, and children of every poor, old, blind, and impotent person, or of any other person not being able to work (provided such father, &c., be of sufficient ability) at their own charges to relieve and maintain such poor person, in such manner, and after such rate, as shall be assessed by the sessions, under the penalty of 20*s.* for every month's omission.

VII. If no overseers be named, every justice within the division forfeits 5*l.*

So far this statute of Elizabeth, by which the legislature may seem very fully to have provided, First, For the absolute relief of such poor, as are by age or infirmity rendered unable to work; and, Secondly, For the employment of such as are able.

"The former of these," says Lord Hale in his discourse on this subject, "seems to be a charity of more immediate exigence; but the latter (viz. the employment of the poor) is a charity of greater extent, and of very great and important consequence to the public wealth and peace of the kingdom, as also to the benefit and advantage of the poor." And this, as Mr. Shaw observes, "would prevent the children of our poor being brought up in laziness and beggary, whereby beggary is entailed from generation to generation: This is certainly the greatest charity; for though he who gives to any in want does well, yet he who employs and

[1] This must be done by consent and order of sessions.

[2] These cottages are never after to be applied to any other use.

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educates the poor, so as to render them useful to the public, does better; for that would be many hundred thousand pounds per annum benefit to this kingdom."

Now the former of these provisions hath, perhaps, though in a very slovenly and inadequate manner, been partly carried into execution; but the latter, I am afraid I may too boldly assert, hath been utterly neglected and disregarded. Surely this is a most scandalous perversion of the design of the legislature, which through the whole statute seems to have had the employment of the able poor chiefly under their consideration; for to this purpose only almost every power in it is established, and every clause very manifestly directed. To say the truth, as this law hath been perverted in the execution, it were, perhaps, to be wished it had never been made. Not because it is not our duty to relieve real objects of distress; but because it is so much the duty of every man, and I may add, so much the inclination of most Englishmen, that it might have been safely left to private charity; or a public provision might surely have been made for it in a much cheaper and more effectual manner.

To prove the abuse of this law, my Lord Hale appeals to all the populous parishes in England (he might, I believe, have included some which are not over populous). "Indeed," says he, "there are rates made for the relief of the impotent poor; and, it may be, the same relief is also given in a narrow measure unto some others that have great families, and upon this they live miserably and at best from hand to mouth; and if they cannot get work to make out their livelihood, they and their children set up a trade of begging at best; but it is rare to see any provision of a stock in any parish for the relief of the poor; and the reasons are principally these: 1. The generality of people that are able, are yet unwilling, to exceed the present necessary charge; they do choose to live for an hour rather than project for the future; and, although possibly trebling their exhibition in one gross sum at the beginning of the year, to raise a stock might in all probability render their

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future yearly payments, for seven years together, less by half, or two-thirds, than what must be without it; yet they had rather continue on their yearly payments, year after year, though it exhaust them in time, and make the poor nothing the better at the year's end. 2. Because those places, where there are most poor, consist for the most part of tradesmen, whose estates lie principally in their stocks, which they will not endure to be searched into, to make them contributory to raise any considerable stock for the poor, nor indeed so much as to the ordinary contributions; but they lay all the rates to the poor upon the rents of lands and houses, which alone, without the help of the stocks, are not able to raise a stock for the poor, although it is very plain that stocks are as well by law rateable as lands, both to the relief and raising a stock for the poor. 3. Because the churchwardens and overseers, to whom this power is given, are inhabitants of the same parish, and are either unwilling to charge themselves, or to displease their neighbours in charging more than they needs must towards the poor; and although it were to be wished and hoped that the justices of the peace would be forward to enforce them if they might, though it may concern them also in point of present profit; yet, if they would do any thing herein, they are not empowered to compel the churchwardens and overseers to do it, who, most certainly, will never go about it to burden, as they think, themselves, and displease their neighbours, unless some compulsory power were not only lodged by law, but also executed by some that may have a power over them to enforce it; or to do it, if they do it either partially or too sparingly. 4. Because people do not consider the inconvenience that in time grows to themselves by this neglect, and the benefit that would in a little time accrue to them by putting it in practice, if they would have but a little patience."

To these I will add a fifth reason; because the churchwardens and overseers are too apt to consider their office as a matter of private emolument. To waste part of the money raised for the use of the poor in feasting and riot, and too

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often to pervert the power given them by the statute to foreign, and sometimes to the very worst of purposes.

The above considerations bring my Lord Hale to complain of several defects in the law itself; "in which," says he, "there is no power from the justices of the peace, nor any superintendent power, to compel the raising of a stock where the churchwardens and overseers neglect it.

"The act chargeth every parish apart, where it may be they are liable to do little towards it; neither would it be so effectual as if three, four, five, or more contiguous parishes did contribute towards the raising of a stock proportionably to their poor respectively.

"There is no power for hiring or erecting a common house, or place, for their common workhouse; which may be, in some respects, and upon some occasions, useful and necessary."

As to the first of these, I do not find any alteration hath been made, nor if there was, might it possibly produce any desired effect. The consequence, as it appears, would be only making churchwardens of the justices of peace, which many of them are already, not highly to the satisfaction of their parishes; too much power vested in one man being too apt perhaps to beget envy.

The second and third do pretty near amount to one and the same defect; and this, I think, is at present totally removed. Indeed, in my Lord Hale's own time, though probably after he had written this treatise, a workhouse was erected in London under the powers given by the statute made in the 13 and 14 of Charles II.,[1] and I believe with very good success.

Since that time other corporations have followed the example, as the city of Bristol in the reign of King William,[2] and that of Worcester in the reign of Queen Anne,[3] and in other places.

And now by a late statute, made in the reign of King

[1] Chap. xii.

[2] 8 and 9 W. III. c. xxx.

[3] 2 Annæ, c. viii.

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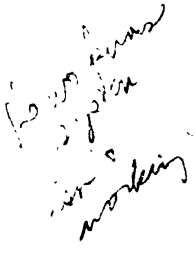
George I.,[1] the power of erecting workhouses is made general over the kingdom.

Now either this method, proposed by Lord Hale, is inadequate to the purpose; or this act of parliament hath been grossly perverted; for certain it is that the evil is not removed, if indeed it be lessened, by the erection of workhouses. Perhaps, indeed, one objection which my Lord Hale makes to the statute of Eliz. may here recur, seeing that there is nothing compulsory, but all left to the will and direction of the inhabitants.



But in truth the method itself will never produce the desired effect, as the excellent Sir Josiah Child well observes,[2]—"It may be objected," says he, "that this work (the provision for the poor) may as well be done in distinct parishes, if all parishes were obliged to build workhouses, and employ their poor therein, as Dorchester and some others have done with good success." I answer, "That such attempts have been made in many places, to my knowledge, with very good intents and strenuous endeavours; but all that I ever heard of proved vain and ineffectual." For the truth of which, I believe, we may appeal to common experience.

And, perhaps, no less ineffectual would be the scheme proposed by this worthy gentleman, though it seems to promise fairer than that of the learned chief justice; yet neither of them seem to strike at the root of the evil. Before I deliver any sentiments of my own, I shall briefly take a view of the many subsequent provisions with which the legislature have, from time to time, enforced and strengthened the foregoing statute of Elizabeth.

The power of putting out children[3] apprentices is enforced by the third of Charles I.[4] which enacts, "That all persons to whom the overseers shall bind children by virtue of the

[1] 9 George I. c. i.

[2] Essay on Trade, c. ii.

[3] See 7 Jac. I. c. iii. which directs the manner of putting out apprentices, in pursuance of any gifts made to corporations, &c., for that purpose.

[4] Chap. iv. sect. 22, p. 8; the same clause is in 21 Jac. c. xxviii. par. 33.

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statute of Eliz. may receive and keep them as apprentices." But there yet wanted, as Lord Hale says, a *sufficient compulsory for persons to take them;* wherefore it is enacted, by 8 and 9 Will. III.,[1] "That all persons to whom apprentices are appointed to be bound by the overseers, with the consent of the justices, shall receive them and execute the other part of the indenture, under the penalty of 10*l.* for refusing, to be recovered before two justices, on the oath of one of the churchwardens or overseers."

The power of setting the poor to work is enlarged by 3 Charles I.[2] This act gives the churchwardens and overseers of the poor a power, with the consent of two justices, or of one, if no more justices shall be within their limits, to set up and occupy any trade for the setting the poor to work.

The power of relieving the impotent poor (*i.e.* of distributing the public money), the only one which hath much exercised the mind of the parish officers, the legislature seems to think rather wanted restraining than enlarging; accordingly, in the reign of King William[3] they made an act to limit the power of the officers in this respect. As the act contains the sense of parliament of the horrid abuse of the statute of Elizabeth, I will transcribe part of a paragraph from it *verbatim.*

"And whereas many inconveniencies do daily arise in cities, towns corporate, and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently, upon frivolous pretences (but chiefly for their own private ends), give relief to what persons and number they think fit, and such persons being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their collection oftentimes ceases, by which means the rates for the poor are daily increased, contrary to the true intent of a statute made in the 43rd year of the reign of her majesty

[1] Chap. xxx. sect. 6. [2] Chap. iv. sect. 22, ubi supra.
[3] 3 & 4 W. & M. c. xi. sect. 11.

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Queen Elizabeth, intituled, "*An Act for the relief of the poor;* for remedying of which, the statute enacts, that, for the future, a book shall be provided and kept in every parish (at the charge of the same parish) wherein the names of all persons receiving collection, &c., shall be registered, with the day and year of their first receiving it. This book to be yearly, or oftener, viewed by the parishioners, and the names of the persons who receive collection shall be called over, and the reason of the receiving it examined, and a new list made; and no other person is allowed to receive collection but by order of a justice of peace, &c., except in case of pestilential diseases or small-pox."[1]

The 8th and 9th of the same king, reciting the fear of the legislature, *That the money, raised only for the relief of such as are as well impotent as poor, should be misapplied and consumed by the idle, sturdy, and disorderly beggars,* "Enacts, that every person, his wife, children, &c., who shall receive relief from the parish, shall wear a badge marked with the letter *P.*, &c., in default of which, a justice of peace may order the relief of such persons to be abridged, suspended, or withdrawn, or may commit them for twenty-one days to the house of correction, there to be kept to hard labour. And every churchwarden or overseer, who relieves any one without a badge, being convicted before one justice, forfeits 20*s.*

Whether the justices made an ill use of the power given them by the statute of the 3rd and 4th of King William, I will not determine; but the parliament thought proper afterwards to abridge it; for by the 9th of George I.[2] the justices are forbidden, "To make any order for the relief of a poor person, till oath is first made of a reasonable cause; and that application hath been made to the parishioners at the vestry, or to two officers, and that relief hath been refused. Nor can the justice then give his order, till he hath summoned the overseer to show cause why relief should not be given."

[1] The same statute in another part charges the overseers, &c., with applying the poor's money to their own use.

[2] Chap. xxx. sect. 2.

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By the same statute, "Those persons to whom the justices order relief, are to be registered in the parish books, as long only as the cause of the relief continues. Nor shall any parish officer be allowed any money given to the unregistered poor, unless on the most urgent occasion. The penalty for charging such money to the parish account is 5*l.* The conviction is to be before two justices."

Lastly, That the parish may in all possible cases be relieved from the burden of the poor, whereas the statute of Elizabeth obliges the father, mother, &c., and children, if able, to relieve their poor children and parents; so, by the 5th of George I.,[1] it is provided, "That where any wife or child shall be left by the husband or parents a charge to any parish, the churchwardens or overseers may, by the order of two justices, seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband or parent, as the justices shall order towards the discharge of the parish; and the sessions may empower the churchwardens and overseers, to dispose thereof, for the providing for the wife, and bringing up the children, &c."

Such is the law that relates immediately to the maintenance of the impotent poor; a law so very ample in its provision, so strongly fortified with enforcing powers, and so cautiously limited with all proper restraints, that, at first sight, it appears sufficiently adequate to every purpose for which it was intended, but experience hath convinced us of the contrary.

And here I am well aware of the delicate dilemma to which I may seem reduced; since how shall I presume to suppose any defects in a law, which the legislature seems to have laboured with such incessant diligence? but I am not absolutely driven to this disagreeable necessity, as the fault may so fairly be imputed to the non-execution of the law; and, indeed, to the ill-execution of the statute of Elizabeth, my Lord Chief Justice Hale chiefly imputes the imperfect provision for the poor in his time.

[1] Chap. viii.

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Sir Josiah Child, it is true, speaks more boldly, and charges the defects on the laws themselves: one general position, however, which he lays down, *That there never was a good law made, that was not well executed,* is surely very questionable. So therefore must be his opinion, if founded on that maxim; and this opinion, perhaps, he would have changed, had he lived to see the latter constitutions on this head.

But whatever defects there may be in the laws, or in the execution of them, I much doubt whether either of these great men hath found the means of curing them. And this I am the more forward to say, as the legislature, by a total neglect of *both* their schemes, seems to give sufficient countenance to my assertion.

In a matter then of so much difficulty, as well as so great importance, how shall I venture to deliver my own opinion? Such, indeed, is the difficulty and importance of this question, that Sir Josiah Child thinks, "If a whole session of parliament were employed on this single concern, it would be time spent as much to the glory of God, and good of this nation, as in any thing that noble and worthy patriots of their country can be engaged in."

However, under the protection of the candid, and with deference to the learned reader, I will enter on this subject, in which, I think, I may with modesty say I have had some experience; and in which I can with truth declare I have employed no little time. If any gentleman who hath had more experience, hath more duly considered the matter, or whose superior abilities enable him to form a better judgment, shall think proper to improve my endeavours, he hath my ready consent. Provided the end be effected, I shall be contented with the honour of my share (however inconsiderable) in the means. Nay, should my labours be attended only with neglect and contempt, I think I have learned (for I am a pretty good historian) to bear such misfortunes without much repining.

By THE POOR, then, I understand such persons as have no estate of their own to support them, without industry;

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nor any profession or trade, by which, with industry, they may be capable of gaining a comfortable subsistence.

This class of the people may be considered under these three divisions:

First, Such poor as are unable to work.

Secondly, Such as are able and willing to work.

Thirdly, Such as are able to work, but not willing.

As to the first of these, they are but few. An utter incapacity to work must arise from some defect, occasioned either by nature or accident. Natural incapacities are greatly the most (perhaps the only) considerable ones; for as to accidental maims, how very rarely do they happen, and, I must add, how very nobly are they provided for, when they do happen! Again, as to natural incapacities, they are but few, unless those two general circumstances, one of which must, and the other may befall all men; I mean the extremes of youth and age; for, besides these, the number of persons who really labour under an utter incapacity of work will, on a just inspection, be found so trifling, that two of the London hospitals might contain them all. The reader will be pleased to observe, I say of those who *really labour, &c.*, for he is much deceived who computes the number of objects in the nation from the great number which he daily sees in the streets of London. Among whom I myself have discovered some notorious cheats, and my good friend, Mr. Welch, the worthy high constable of Holborn division, many more. Nothing, as I have been well informed, is more common among these wretches, than for the lame, when provoked, to use their crutches as weapons instead of supporters; and for the blind, if they should hear the beadle at their heels, to outrun the dogs which guided them before. As to diseases, to which human nature is universally liable, they sometimes (though very rarely, for health is the happy portion of poverty) befall the poor; and at all such times they are certainly objects of charity, and entitled, by the law of God, to relief from the rich.

Upon the whole, this first class of the poor is so truly inconsiderable in number, and to provide for them in the

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most ample and liberal manner would be so very easy to the public; to support and cherish them, and to relieve their wants, is a duty so positively commanded by our Saviour, and is withal so agreeable and delightful in itself, affording the most desirable object to the strong passion of pity; nay, and in the opinion of some, to pride and vanity also; that I am firmly persuaded it might be safely left to voluntary charity, unenforced by any compulsive law. And if any man will profess so little knowledge of human nature, and so mean and unjust an opinion of the Christianity, I might say the humanity, of his country, as to affect a contrary opinion, notwithstanding all I have said, let him answer the following instance, which may be called an argument *à posteriori*, for the truth of my assertion. Such, I think, is the present bounty to beggars; for, at a time when every man knows the vast tax which is raised for the support of the poor, and when all men of property must feel their contributions to this tax, mankind are so forward to relieve the appearance of distress in their fellow-creatures, that every beggar, who can but moderately well personate misery, is sure to find relief and encouragement; and this, though the giver must have great reason to doubt the reality of the distress, and when he can scarce be ignorant that his bounty is illegal,[1] and that he is encouraging a nuisance. What then must be the case, when there should be no such tax, nor any such contribution; and when, by relieving a known and certain object of charity, every good man must be assured, that he is not only doing an act which the law allows, but which Christianity and humanity too exact of him.

However, if there be any person who is yet unwilling to trust the poor to voluntary charity, or if it should be objected, that there is no reason to lay the whole burden on the worthier part of mankind, and to excuse the

[1] This was forbidden by many statutes, and by the act of 27 Henry VIII. every person giving any money in alms, but to the common boxes and common gatherings in every parish, forfeits twelve times as much as he gives.

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covetous rich; and that a tax is therefore necessary to force open the purses of these latter; let there be a tax then, and a very inconsiderable one would effectually supply the purpose.[1]

I come now to consider the second class. These are in reason, though not in fact, equally objects of the regard of the compassionate man, and much more worthy the care of the politician; and yet, without his care, they will be in a much worse condition than the others; for they have none of those incitements of pity which fill the pockets of the artful beggar, and procure relief for the blind, the lame, and other visible objects of compassion; such therefore, without a law, and without an honest and sensible execution of that law, must languish under, and often perish with want. A melancholy and dreadful reflection! and the more so, as they are capable of being made not only happy in themselves, but highly useful to the service of the community.

To provide for these seems, as I have said, to have been the chief design of the statute of Elizabeth, as well as of several laws enacted since; and that this design hath hitherto failed, may possibly have arisen from one single mistake, but a mistake which must be fatal, as it is an error in the first concoction. The mistake I point at is, that the legislature have left the whole work to the overseers. They have rather told them what they are to do (viz. to employ the industrious poor) than how they shall do it. It is true, the original act directs them, by a parochial tax, to raise a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff to set the poor to work. A direction so general and imperfect, that it can be no wonder, considering what sort of men the overseers of the poor have been, that it should never have been carried into execution.

To say the truth, this affair of finding an universal employment for the industrious poor, is of great difficulty,

[1] The reader is desired to consider the author here as speaking only of the impotent poor, and as hoping that some effectual means may be found out of procuring work, and consequently maintenance, for the able and industrious.

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and requires talents not very bountifully scattered by Nature among the whole human species. And yet, difficult as it is, it is not, I hope, impracticable, seeing that it is of such infinite concern to the good of the community. Hands for the work are already supposed, and surely trade and manufactures are not come to so low an ebb, that we should not be able to find work for the hands. The method of adapting only seems to be wanting. And though this may not be easy to discover, it is a task surely not above the reach of the British Parliament, when they shall think proper to apply themselves to it.

Nor will it, I hope, be construed presumption in me to say, that I have myself thought of a plan for this purpose, which I am ready to produce, when I shall have any reason to see the least glimpse of hope that my labour in drawing it out at length would not be absolutely and certainly thrown away.

The last and much the most numerous class of poor, are those who are able to work and not willing. This likewise hath fallen under the eye of the legislature, and provisions have been made concerning it; which, if in themselves efficacious, have at least failed of producing any good effect, from a total neglect in the execution.

By the 43 Eliz. the churchwardens and overseers, or greater part of them, with the consent of two justices, shall take order for the setting to work the children of all such parents as they shall think not able to maintain them; as also, all such married or unmarried persons, as shall have no means to maintain themselves, nor any ordinary trade or calling whereby to get their living.

Besides this power of compelling the poor to work, the legislature hath likewise compelled them to become, 1. Apprentices; and, 2. Servants. We have already seen the power of the overseers, with the assistance of the justices, to put poor children apprentices; and likewise to oblige their masters to receive them. And long before, a compulsion was enacted[1] on poor persons to become apprentices; so

[1] 5 Eliz. c. iv. sect. 35.

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that any householder, having and using half a plough-land in tillage, may compel any poor person under twenty-one, and unmarried, to serve as an apprentice in husbandry, or in any other kind of art, mystery, or science (before expressed in the act [1]); and if such person, being so required, refuse to become an apprentice, one justice of peace may compel him, or commit him to prison, there to remain till he will be bound.

Secondly, The poor are obliged to become servants.

By the 5th of Eliz.[2] it is enacted, "That every person being unmarried, and every other person under the age of thirty, who hath been brought up in any of the sciences, &c., of clothiers, woollen cloth weavers, tuckers, fullers, cloth-workers, shearmen, dyers, hosiers, tailors, shoemakers, tanners, pewterers, bakers, brewers, glovers, cutlers, smiths, farriers, curriers, saddlers, spurriers, tanners, tappers, hatmakers or feltmakers, butchers, cooks, or millers, or who hath exercised any of these trades by the space of three years or more; and not having in lands, rents, &c., an estate of 40*s.* clear yearly value, freehold, nor being worth in goods 10*l.* and so allowed by two justices of the county, where he hath most commonly inhabited, or by the mayor, &c., nor being retained with any person in husbandry, nor retained in any of the above sciences, or in any other art or science; nor lawfully retained in household, or in any office, with any nobleman, gentleman, or others; nor having a convenient farm, or other holding in tillage, whereupon he may lawfully employ his labour, during the time that he shall continue unmarried, or under the age of thirty, upon request made by any person using the art or mystery, wherein the person so required hath been exercised as aforesaid, shall be retained.

"And every person between the age of twelve and sixty not being lawfully retained in the several services mentioned in the statute,[3] nor being a gentleman born, or a scholar in either university, or in any school, nor having an estate of freehold of 40*s.* per annum value, nor being worth in goods

[1] Viz. every trade then used. [2] Chap. iv. sect. 4.
[3] Chap. iv. sect. 7.

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10*l.* nor being heir to 10*l.* per annum, or 40*l.* in goods; nor being a necessary or convenient servant lawfully retained; nor having a convenient farm, or holding, nor otherwise lawfully retained, shall be compelled to be retained to serve in husbandry, by the year, with any person using husbandry within the same shire.

"Every such person refusing to serve upon request, or covenanting to serve, and not serving; or departing from his service before the end of his term, unless for some reasonable cause to be allowed before a justice of the peace, mayor, &c., or departing at the end of his term without a quarter's warning given before two witnesses, may be committed by two justices of the peace to prison, there to remain without bail or mainprize, till he shall become bound to his master, &c., to serve, &c.[1]

"Nor shall any master in any of the arts and sciences aforesaid, retain a servant for less than a year;[2] nor shall any master put away a servant retained by this act within his term, nor at the end of the term without a quarter's warning, under the penalty of 40*s.*[3]

"Artificers, &c., are compellable by a justice of the peace, or the constable or other head officer of a township, to serve in the time of hay or corn harvest. The penalty of disobedience is imprisonment in the stocks by the space of two days and one night.[4]

"Women between the ages of twelve and forty, may be obliged, by two justices, to enter into service by the year, week, or day; or may be committed *quousque*."[5]

The legislature having thus appointed what persons shall serve, have gone farther, and have directed a method of ascertaining how they shall serve; for which use principally is that excellent constitution of 5 Elizabeth,[6] "That the justices of the peace, with the sheriff of the county, if he conveniently may, the mayor, &c., in towns corporate, shall yearly, within six weeks of Easter, assemble together, and with the assistance of such discreet persons as they shall

[1] Chap. iv. sect. 5, 6, 9. [2] Ib. sect. 3. [3] Ib. sect. 5, 6, 8.
[4] Ib. sect. 28. [5] Ib. sect. 24. [6] Ib. sect. 15.

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think proper to call to them, and respecting the plenty or scarcity of the time, and other circumstances, shall within the limits of their commission, rate and appoint the wages of artificers, labourers, &c., by the year, month, week, or day, with or without meat and drink." Then the statute enumerates several particulars, in the most explicit manner, and concludes with these general words: "And for any other kind of reasonable labour and service."

"These rates are appointed to be engrossed in parchment, and are certified into chancery, before the 12th day of July; and before the first day of September, several printed proclamations, containing the rates, and a command to all persons to observe them, are to be sent to the sheriff and justices, and to the mayor, &c. These proclamations are to be entered on record with the clerk of the peace, to be fixed up in the market-towns, and to be publicly proclaimed in all the markets till Michaelmas.[1]

"And if any person, after the said proclamations shall be so sent down and published, shall, by any secret ways or means, directly or indirectly retain or keep any servant, workman, or labourer, or shall give any greater wages, or other commodity, contrary to the true intent of the statute, or contrary to the rates assessed, he shall forfeit 5*l.* and be imprisoned by the space of ten days.[2]

"And every person who is retained, or takes any wages contrary to the statute, shall be imprisoned twenty-one days.[3] And every such retainer, promise, gift, and payment, or writing and bond for that purpose, are made absolutely void.

"Every justice of peace, or chief officer, who shall be absent at the rating of wages, unless the justices shall allow the reasonable cause of his absence, forfeits 10*l.*"[4]

That this statute may, from time to time, be carefully and diligently put in execution, "The justices are appointed to meet twice a year, to make a special and diligent inquiry of the branches and articles of this statute, and of

[1] Chap. iv. sect. 16. [2] Ib. sect. 18. [3] Ib. sect. 19, 20.
[4] Ib. sect. 17.

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the good execution of the same, and severely to correct and punish any defaults; for which service they are allowed five shillings per day."[1] No inconsiderable allowance at that time.

But all this care of the legislature proved, it seems, ineffectual; for forty years after the making of this statute we find the parliament complaining, "That the said act had not, according to the true meaning thereof, been duly put in execution; and that the rates of wages for poor artificers, labourers, and other persons, had not been rated and proportioned according to the politic intention of the said act."[2] A neglect which seems to have been occasioned by some doubts raised in Westminster Hall, concerning the persons who were the subjects of this law. For the clearing therefore any such doubt, this subsequent statute gives the justice an express power "to rate the wages of any labourers, weavers, spinsters, and workmen or workwomen whatsoever, either working by the day, week, month, year, or taking any work at any person's hands whatsoever, to be done by the great or otherwise."[3]

And to render the execution of this law the more easy, the statute of James I. enacts, 1. "That in all counties where general sessions are kept in several divisions, the rating wages at such respective general sessions shall be as effectual within the division, as if they had been rated at the grand general session."[4]

2. The method of certifying the rates in chancery, appearing, I apprehend, too troublesome and tedious, "such certificate is made no longer necessary, but the rates being assessed and engrossed in parchment, under the hands and seals of the justices, the sheriff, or chief officer, of towns corporate, may immediately proclaim the same."[5]

And whereas wool is the great staple commodity of this kingdom, and the woollen trade its principal manufacture,

[1] Chap. iv. sect. 37, 38.
[2] Preamble to 1 Jac. c. vi.
[3] Ib. sect. 3.
[4] Ib. sect. 5.
[5] Ib. c. vi. sect. 6.

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the parliament have given particular attention to the wages of artificers in this trade.

For, 1. By the statute of James I.,[1] "No clothier, being a justice of peace in any precinct or liberty, shall be a rater of wages for any artisan depending upon the making of cloth."

2. "Clothiers not paying so much wages to their workmen or workwomen, as are rated by the justices, forfeit 10*s.* for every offence."[2]

By a late statute,[3] "All persons anywise concerned in employing any labourers in the woollen manufactory are required to pay the full wages or price agreed on, in money, and not in goods, truck, or otherwise; nor shall they make any deduction from such wages or price, on account of any goods sold or delivered previous to such agreement. And all such wages are to be levied, on conviction, before two justices, by distress; and for want of distress, the party is to be committed for six months, or until full satisfaction is made to the party complaining. Besides which the clothier forfeits the sum of 100*l.*"[4]

4. By the same statute, "All contracts, byelaws, &c., made in unlawful clubs, by persons brought up in, or exercising the art of, a wool-comber or weaver, for regulating the said trade, settling the prices of goods, advancing wages, or lessening the hours of work, are declared to be illegal and void; and any person concerned in the woollen manufactures, who shall knowingly be concerned in such contract, byelaw, &c., or shall attempt to put it in execution, shall, upon conviction before two justices, suffer three months imprisonment."[5]

But long before this act, a general law was made,[6] to punish all conspiracies for raising wages, limiting hours of work, &c., among artificers, workmen, and labourers; and if such conspiracy was to extend to a general advance of wages all over the kingdom, any insurrection of a number of

[1] Preamble to 1 Jac. sect. 7.
[2] Ib. sect. 7.
[3] 12 Geo. I. c. xxxiv. sect. 3.
[4] Ib. sect. 4.
[5] Ib. sect. 1.
[6] 2 & 3 E. VI. c. xv.

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persons in consequence of it, would be an overt act of high treason.

From this cursory view it appears, I think, that no blame lies at the door of the legislature, which hath not only given the magistrate, but even private persons, with his assistance, a power of compelling the poor to work; and, secondly, hath allotted the fullest powers, and prescribed the most effectual means for ascertaining and limiting the price of their labour.

But so very faulty and remiss hath been the execution of these laws, that an incredulous reader may almost doubt whether there are really any such existing. Particularly as to that which relates to the rating the wages of labourers; a law which at first, it seems, was too carelessly executed, and which hath since grown into utter neglect and disuse.

Hath this total disuse arisen, in common with the neglect of other wholesome provisions, for want of due attention to the public good? or is the execution of this law attended with any extraordinary difficulty? or, lastly, are we really grown, as Sir Josiah Child says, wiser than our forefathers, and have discovered any fault in the constitution itself; and that to retrench the price of labour by a law is an error in policy?

This last seems to me, I own, to be very strange doctrine, and somewhat of a paradox in politics; however, as it is the sentiment of a truly wise and great man, it deserves a fair discussion. Such I will endeavour to give it; since no man is more inclined to respect the opinions of such persons, and as the revival of the law which he opposes, is, I think, absolutely necessary to the purpose I am contending for.

I will give the passage from Sir Josiah at length. It is in answer to this position, *That the dearness of wages spoils the English trade.* "Here," says he, "the author propounds the making a law to retrench the hire of poor men's labour (an honest charitable project, and well becoming an usurer!) the answer to this is easy. First, I affirm and can

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prove, he is mistaken in fact; for the Dutch, with whom we principally contend in trade, give generally more wages to all their manufacturers, by at least twopence in the shilling, than the English. Secondly, Wherever wages are high, universally throughout the whole world, it is an infallible evidence of the riches of that country; and wherever wages for labour run low, it is a proof of the poverty of that place. Thirdly, It is multitudes of people, and good laws, such as cause an increase of people, which principally enrich any country; and if we retrench by law the labour of our people, we drive them from us to other countries that give better rates; and so the Dutch have drained us of our seamen and woollen manufacturers, and we the French of their artificers and silk manufacturers; and many more we should, if our laws otherwise gave them fitting encouragement; of which more in due place. Fourthly, If any particular trades exact more here than in Holland, they are only such as do it by virtue of incorporations, privileges, and charters, of which the cure is easy, by an act of naturalisation, and without compulsory laws. It is true our great-grandfathers did exercise such policy, of endeavouring to retrench the price of labour by a law (although they could never effect it); but that was before trade was introduced into this kingdom; we are since, with the rest of the trading world, grown wiser in this matter, and I hope shall so continue."[1]

To this I reply, 1. That the making such a law is not only an honest, but a charitable project; as it proposes, by retrenching the price of poor men's labour, to provide labour, and consequently hire for all the poor who are capable of labour. In all manufactures whatever, the lower the price of labour is, the cheaper will be the price to the consumer; and the cheaper this price is, the greater will be the consumption, and consequently the more hands employed. This is likewise a very charitable law to the poor farmer, and never more necessary than at this day, when the rents of lands are rated to the highest degree. The great hopes

[1] Preface to his Discourse on Trade.

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which the farmer hath (indeed his common relief from ruin) is of an exportation of corn. This exportation cannot be by law, unless where the corn is under such a particular price. How necessary then is it to him that the price of labour should be confined within moderate bounds, that the exportation of corn, which is of such general advantage to the kingdom, should turn, in any considerable manner, to his private profit? and what reason is there to imagine that his power of limiting wages should be executed in any dishonest or uncharitable manner? Is it not a power entrusted to all the justices of the county or division, and to the sheriff, with the assistance of grave, sober, and substantial persons, who must be sufficient judges of the matter, and who are directed to have regard to the plenty and scarcity of the times? Is it to be suspected that many persons of this kind should unite in a cruel and flagitious act, by which they would be liable to the condemnation of their own consciences, to the curses of the poor, and to be reproached by the example of all their neighbouring counties? Are not much grosser exorbitances to be feared on the other side, when the lowest artificers, husbandmen, and labourers, are made judges in their own cause; and when it is left to their own discretion to exact what price they please for their labour of the poor farmer or clothier; of whom if they cannot exact an extravagant price they will fly to that alternative, which idleness often prefers, of begging or stealing? Lastly, such a restraint is very wholesome to the poor labourers themselves; of whom Sir Josiah observes,[1] "That they live better in the dearest countries for provisions than in the cheapest, and better in a dear year than in a cheap, especially in relation to the public good; for in a cheap year they will not work above two days in a week; their humour being such that they will not provide for a hard time, but just work so much and no more, as may maintain them in that mean condition to which they have been accustomed." Is it not therefore, upon this concession, demonstrable, that the poor man himself will live much better (his family

[1] Discourse on Trade.

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certainly will) by these means? Again, many of the poor, and those the more honest and industrious, will probably gain by such a law; for, at the same time that the impudent and idle, if left to themselves, will certainly exact on their masters; the modest, the humble, and truly laborious, may often (and so I doubt not but the case is) be oppressed by them, and forced to accept a lower price for their labour than the liberality of gentlemen would allow them.

Secondly, The two assertions contained in the next paragraph both seem to me suspicious. First, that the Dutch and other nations have done all that in them lies to draw from us our seamen, and some of our manufacturers, is certainly true; and this they would do at any price; but that the Dutch do in general give more wages to their manufacturers than the English, is, I believe, not the fact. Of the manufactures of Holland, the only considerable article which we ourselves take of them, except linen, are toys; and to this we are induced, not because the Dutch are superior to our workmen in genius and dexterity (points in which they are not greatly celebrated), but because they work much cheaper. Nor is, secondly, the immediate transition from trade to manufacture altogether so fair. The Dutch, it is true, are principally our rivals in trade in general, and chiefly as carriers; but not so in manufacture, particularly in the woollen manufacture. Here our chief rivals are the French, amongst whom the price of labour is known to be considerably lower than with us. To this, among other causes (for I know there are others, and some very scandalous ones,) they owe their success over us in the Levant. It is, indeed, a truth which needs no comment nor proof, that where goods are of equal value, the man who sells cheapest will have the most custom; and it as certainly true, that he who makes up his goods in the cheapest manner can sell them so.

Thirdly, Sir Josiah asserts, "That wherever wages are high, universally throughout the world, 'tis an infallible evidence of the riches of that country: and wherever wages for labour run low, it is a proof of the poverty of that place."—If

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this be true, the concession will do him no service; for it will not prove, that to give high wages is the way to grow rich; since it is much more probable that riches would cause the advance of wages than that high wages should produce riches. This latter, I am sure, would appear a high solecism in private life, and I believe it is no less so in public.

Fourthly, his next assertion, *That to retrench by law the labour of our people is to drive them from us*, hath partly received an answer already. To give this argument any force, our wages must be reduced at least below the standard of other countries; which is, I think, very little to be apprehended; but, on the contrary, if the labourer should carry his demands ever so little higher, as may be reasonably expected, the consumption of many manufactures will not only be confined to our own people, but to a very few of those people.

Thus, I hope, I have given a full answer to this great man, whom I cannot dismiss without observing a manifest mistake of the question which runs through all his arguments; all that he advances concluding, indeed, only to the *quantum* of wages which shall be given for labour. He seems rather to argue against giving too little than against regulating what is to be given; so that his arguments are more proper for the consideration of the justices at their meeting for settling the rates of wages than for the consideration of the legislature in a debate concerning the expediency of the above law. To evince the expediency of which I appeal to the concurrent sense of parliament in so many different ages; for this is not only testified expressly in the above statute of Elizabeth and James, but may be fairly implied from those of Edward VI. and George I. above recited.

I have moreover, I think, demonstrated, 1. The equity of this law; and that it is as much for the service of the labourer as of his master. 2. The utility of it to trade: I shall only add the necessity of it, in order to execute the intention of the legislature, in compelling the idle to work; for is it not the same thing to have the liberty of working

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or not at your own pleasure, and to have the absolute nomination of the price at which you will work? the idleness of the common people in this town is, indeed, greatly to be attributed to this liberty; most of these, if they cannot exact an exorbitant price for their labour, will remain idle. The habit of exacting on their superiors is grown universal, and the very porters expect to receive more for their work than the salaries of above half the officers of the army amount to.

I conclude then that this law is necessary to be revived (perhaps with some enlargements), and that still upon one account more; which is, to enable the magistrate clearly to distinguish the corrigible from the incorrigible in idleness; for when the price of labour is once established, all those poor who shall refuse to labour at that price, even at the command of a magistrate, may properly be deemed incorrigibly idle.

For these the legislature have, by several acts of parliament, provided a punishment, by commitment to Bridewell, either for more or less time; and a very severe punishment this is, if being confirmed in habits of idleness, and in every other vicious habit, may be esteemed so.

These houses are commonly called houses of correction, and the legislature intended them certainly for places of correction of idleness at least; for in many acts, where persons are ordered to be committed to Bridewell, it is added, *there to be kept to hard labour;* nay, in the statute of Jac. I.[1] these houses of correction are directed "to be built with a convenient backside adjoining, together with mills, turns, cards, and such like necessary implements, to set rogues and other idle people on work." Again, in the same statute, authority is given to the master or governor "To set to work such rogues, vagabonds, idle and disorderly persons, as shall be brought or sent unto the said house (being able) while they

[1] Chap. iv. These houses were first begun to be erected ann. 13 Eliz., the prison for idleness being, before that time, the stocks. In the 11th year of Henry VII. vagabonds, beggars, &c., are ordered to be set three days and three nights in the stocks.

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shall continue in the said house, and to punish them, by putting fetters on them, and by whipping; nor are the said rogues, &c., to have any other provision than what they shall earn by their labour."

The erection of these houses, as is usual with new institutions, did at first greatly answer the good purposes for which they were designed, insomuch that my Lord Coke observes, "That upon the making of the statute 39 Eliz. for the erection of houses of correction, and a good space after, whilst justices of peace and other officers were diligent and industrious, there was not a rogue to be seen in any part of England." And again he prophesies, that "from the erection of these houses we shall have neither beggar nor idle person in the commonwealth."[1]

But this great man was a much better lawyer than he was a prophet; for whatever these houses were designed to be, or whatever they at first were, the fact is, that they are at present, in general, no other than schools of vice, seminaries of idleness, and common sewers of nastiness and disease. As to the power of whipping, which the act of James I. vests in the governor, that, I believe, is very seldom used, and perhaps when it is, not properly applied. And the justice in very few instances (in none of idleness) hath any power of ordering such punishment.[2]

And with regard to work, the intention of the law is, I apprehend, as totally frustrated. Insomuch, that they must be very lazy persons indeed who can esteem the labour imposed in any of these houses as a punishment. In some, I am told, there is not any provision made for work. In that of Middlesex in particular the governor hath confessed to me, that he hath had no work to employ his prisoners, and hath urged as a reason, that having generally great numbers of most desperate felons under his charge, who, notwithstanding his utmost care, will sometimes get access to his other prisoners, he dares not trust those who are committed to hard labour

[1] 2 Inst. 729.

[2] By the last vagabond act, which repeals all the former, rogues and vagabonds are to be whipt, or sent to the house of correction.

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with any heavy or sharp instruments of work, lest they should be converted into weapons by the felons.

What good consequence then can arise from sending idle and disorderly persons to a place where they are neither to be corrected nor employed; and where, with the conversation of many as bad, and sometimes worse than themselves, they are sure to be improved in the knowledge, and confirmed in the practice, of iniquity? Can it be conceived that such persons will not come out of these houses much more idle and disorderly than they went in? The truth of this I have often experienced in the behaviour of the wretches brought before me; the most impudent and flagitious of whom have always been such as have been before acquainted with the discipline of Bridewell; a commitment to which place, though it often causes great horror and lamentation in the novice, is usually treated with ridicule and contempt by those who have already been there.

For this reason, I believe, many of the worthiest magistrates have, to the utmost of their power, declined a rigorous execution of the laws for the punishment of idleness, thinking that a severe reprimand might more probably work the conversion of such persons than the committing them to Bridewell. This I am sure may with great certainty be concluded, that the milder method is less liable to render what is bad worse, and to complete the destruction of the offender.

But this is a way of acting, however worthy be the motive, which is sometimes more justifiable to a man's own conscience than it would be in the court of King's Bench, which requires the magistrate to execute the laws entrusted to his care, and in the manner which those laws prescribe. And besides the indecency of showing a disregard to the laws in being, nothing surely can be more improper than to suffer the idleness of the poor, the cause of so much evil to society, to go entirely unpunished.

And yet, should the magistrate do his duty as he is required, will the intent and purpose of the legislature be answered? The parliament was, indeed, too wise to punish idleness barely

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by confinement. Labour is the true and proper punishment of idleness, for the same reason which the excellent Dr. Swift gives why death is the proper punishment of cowardice. Where then is the remedy? Is it to enforce the execution of the law as it now stands, and to reform the present conduct of the several Bridewells? This would, I believe, be as difficult a work as the cleansing the Augean stables of old; and would require as extraordinary a degree of political as that did of natural strength to accomplish it. In truth, the case here is the same as with the overseers before; the trust is too great for the person on whom it devolves; and though these houses are in some measure under the inspection of the justices of peace, yet this in the statute is recommended in too general a manner to their care, to expect any good fruits from it. As "to the true and faithful account which they are to yield to the justices, at the sessions, of the persons in their custody," this is at present little more than matter of form; nor can it be expected to be any other in the hurry of a public sessions, and when the stench arising from the prisoners is so intolerable that it is difficult to get any gentlemen to attend the court at that time. In the last vagrant act indeed two justices are appointed twice, or oftener, every year to examine into the state and nature of houses of correction, &c., yet, as it gives them no power but of reporting to the sessions, I believe it hath not produced any good effect; for the business of the sessions is so complicated and various that it happens, as in all cases where men have too much to do, that they do little or nothing effectually. Perhaps, indeed, if two or more justices of the peace were appointed to meet once every month at some convenient place, as near as possible to the Bridewell, there to summon the governor before them, to examine the accounts of his stock and implements for work, and to make such orders (under what restrictions the parliament shall think proper) as to such justices shall seem requisite; this might afford a palliative at least. In short, the great cure for idleness is labour; and this is its only proper punishment; nor should it ever be in the power of the idle person to commute this punishment for any other.

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In the reign of Edward VI.[1] a most severe law indeed was made for the punishment of idleness.—"If any person," says the statute, "shall bring to two justices of peace any runagate servant, or any other which liveth idly and loiteringly by the space of three days, the said justices shall cause the said idle and loitering servant or vagabond to be marked with a hot iron on the breast with the letter V, and adjudge him to be slave to the same person that brought and presented him, to have to him, his executors and assigns, for two years, who shall take the said slave, and give him bread, water, or small drink, and refuse meat, and cause him to work by beating, chaining, or otherwise, in such work and labour as he shall put him, be it never so vile. And if such slave absent himself from his master within the term, by the space of fourteen days, he shall be adjudged by two justices of peace to be marked on the forehead, or the ball of the cheek, with a hot iron, with the sign of an S, and shall be adjudged to be slave to his said master for ever; and, if the said slave shall run away a second time, he shall be adjudged a felon."

This statute lived no longer than two years, indeed it deserved no longer a date; for it was cruel, unconstitutional, and rather resembling the cruel temper of a Draco than the mild spirit of the English law. But, *est modus;* there is a difference between making men slaves and felons, and compelling them to be subjects; in short, between throwing the reins on the neck of idleness, and riding it with spurs of iron.

Thus have I endeavoured to give the reader a general idea of the laws which relate to this single point of employing the poor; and, as well as I am able to discern, of their defects, and the reasons of those defects. I have likewise given some hints for the cure, and have presumed to offer a plan, which, in my humble opinion, would effectually answer every purpose desired.

But till this plan shall be produced; or (which is more to be expected) till some man of greater abilities, as well as of greater authority, shall offer some new regulation for this

[1] 1 Edward VI. 13 Rep.

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purpose; something at least ought to be done to strengthen the laws already made, and to enforce their execution. The matter is of the highest concern, and imports us not only as we are good men and good Christians, but as we are good Englishmen; since not only preserving the poor from the highest degrees of wretchedness, but the making them useful subjects, is the thing proposed: "A work," says Sir Josiah Child,[1] "which would redound some hundred of thousands per annum to the public advantage." Lastly, it is of the utmost importance to that point which is the subject matter of this treatise, for which reason I have thought myself obliged to give it a full consideration. "The want of a due provision," says Lord Hale,[2] "for education and relief of the poor in a way of industry, is that which fills the gaols with malefactors, and fills the kingdom with idle and unprofitable persons, that consume the stock of the kingdom without improving it, and that will daily increase, even to a desolation, in time. And this error in the first concoction is never remediable but by gibbets and whipping."

In serious truth, if proper care should be taken to provide for the present poor, and to prevent their increase by laying some effectual restraints on the extravagance of the lower sort of people, the remaining part of this treatise would be rendered of little consequence; since few persons, I believe, have made their exits at Tyburn who have not owed their fate to some of the causes before mentioned. But as I am not too sanguine in my expectations on his head, I shall now proceed to consider of some methods to obviate the frequency of robberies, which, if less efficacious, are, perhaps, much easier than those already proposed. And if we will not remove the temptation, at least we ought to take away all encouragement to robbery.

[1] Page 88.

[2] At the end of his discourse touching the relief of the poor.

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SECTION V.

OF THE PUNISHMENT OF RECEIVERS OF STOLEN GOODS.

NOW one great encouragement to theft of all kinds is the ease and safety with which stolen goods may be disposed of. It is a very old and vulgar, but a very true saying, "That if there were no receivers there would be no thieves." Indeed could not the thief find a market for his goods, there would be an absolute end of several kinds of theft; such as shoplifting, burglary, &c., the objects of which are generally goods and not money. Nay, robberies on the highway would so seldom answer the purpose of the adventurer, that very few would think it worth their while to risk so much with such small expectations.

But at present, instead of meeting with any such discouragement, the thief disposes of his goods with almost as much safety as the honestest tradesman: for first, if he hath made a booty of any value, he is almost sure of seeing it advertised within a day or two, directing him *to bring the goods to a certain place where he is to receive a reward* (sometimes the full value of the booty) *and no questions asked.* This method of recovering stolen goods by the owner a very learned judge formerly declared to have been, in his opinion, a composition of felony. And surely if this be proved to be carried into execution, I think it must amount to a full conviction of that crime. But, indeed, such advertisements are in themselves so very scandalous, and of such pernicious consequence, that if men are not ashamed to own they prefer an old watch or a diamond ring to the good of society, it is pity some effectual law was not contrived to prevent their giving this public countenance to robbery for the future.

But if the person robbed should prove either too honest, or too obstinate, to take this method of recovering his goods, the thief is under no difficulty in turning them into money. Among the great number of brokers and pawnbrokers several

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are to be found, who are always ready to receive a gold watch at an easy rate, and where no questions are asked, or at least, where no answer is expected but such as the thief can very readily make.

Besides the clandestine dealers this way, who satisfy their consciences with telling a ragged fellow, or wench, that *they hope* they came honestly by silver, and gold, and diamonds; there are others who scorn such pitiful subterfuges, who engage openly with the thieves, and who have warehouses filled with stolen goods only. Among the Jews, who live in a certain place in the city, there have been, and perhaps still are, some notable dealers this way, who, in an almost public manner, have carried on a trade for many years with Rotterdam, where they have their warehouses and factors, and whither they export their goods with prodigious profit, and as prodigious impunity. And all this appeared very plainly last winter in the examination of one Cadosa, a Jew, in the presence of the late excellent Duke of Richmond, and many other noblemen and magistrates.

What then shall we say? Is not this mischief worthy of some remedy, or is it not capable of it? The noble duke (one of the worthiest of magistrates, as well as of the best of men) thought otherwise, as would have appeared, had his valuable life, for the good of mankind, been prolonged.

Certain it is, that the law, as it now stands, is ineffectual to cure the evil. Let us see therefore, if possible, where the defect lies.

At the common law, any one might lawfully (says Lord Hale) have received his own goods from the felon who stole them.[1] But, if he had received them upon agreement not to prosecute, or to prosecute faintly, this would have been theftbote, punishable by imprisonment and ransom.

But in neither of the foregoing cases would the receiver of the goods have become an accessory to the felon. So if one man had bought another's goods of the thief, though

[1] Hist. P. C. vol. i. p. 546, 619, ib.

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he had known them to be stolen, if he had given the just value for them, he would not have become an accessory.[1] But if he had bought them at an undervalue, this, Sir Richard Hyde held, would have made him an accessory. My Lord Hale differs from his opinion, and his reason to some readers may seem a pleasant one: *For if there be any odds* (says he), *he that gives more, benefits the felon more than he that gives less than value.* However, this, his lordship thinks, may be a misdemeanour punishable by fine and imprisonment; but that the bare receiving of goods, knowing them to be stolen, makes not an accessory.

So says the great Lord Hale, and so indeed was the law; though the judges seem not to have been unanimous in their opinion. In the book of Assizes,[2] Scrope is said to have held otherwise; and though Shard there quashed an appeal of felony for receiving stolen goods only, yet I cannot help observing, that the reporter of the case hath left a note of astonishment at the judgment of the court. This, says he, was wonderful! and wonderful surely it is, if he who receives, relieves, comforts, or assists a felon, shall be an accessory, that he shall not be so, who knowingly buys the goods of the felon; which is generally, I believe, the strongest relief, comfort, and assistance which can be given him, and without the hope and expectation of which, he would never have committed the theft or robbery.

It is unnecessary, however, to enter farther into this controversy; since it is now expressly declared by statute,[3] "That the receivers of stolen goods, knowing them to be stolen, shall be deemed accessories after the fact."

But this statute, though it removed the former absurdity of the law, was not sufficient to remedy the evil; there yet remaining many difficulties in bringing these pernicious miscreants to justice, consistent with legal rules. For,

1. As the offence of the accessory is dependent on that of the principal, he could not be tried or outlawed, till after the conviction or attainder of the principal; so

[1] Hist. P. C. ubi supra.

[2] 27 Assiz. 69.

[3] 3 and 4 W. and M. c. ix.

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that however strong evidence there might be against the receiver, he was still safe, unless the thief could be apprehended.

2. If the thief on his trial should be acquitted, as often happens through some defect of evidence in the most notorious cases, the receiver, being only an accessory, though he hath confessed his crime, or though the most undeniable evidence could be brought against him, must be acquitted likewise.

3. In petty larceny there can be no such accessory:[1] for though the statute says, that a receiver of stolen goods, knowing, &c., shall be an accessory after the fact, that is legally understood to mean only in cases where such accessory may be by law; and that is confined to such felonies as are to receive judgment of death, or to have the benefit of clergy. Now, for petty larceny, which is the stealing goods of less value than a shilling, the punishment at common law is whipping; and this was properly enough considered as too trifling an offence to extend the guilt to criminals in a second degree. But since juries have taken upon them to consider the value of goods as immaterial, and to find upon their oaths, that what is proved to be worth several shillings, and sometimes several pounds, is of the value of tenpence, this is become a matter of more consequence. For instance, if a pickpocket steal several handkerchiefs, or other things, to the value of twenty shillings, and the receiver of these, knowing them to be stolen, is discovered, and both are indicted, the one as principal, the other as accessory, as they must be; if the jury convict the principal, and find the goods to be of as high value as a shilling, he must receive judgment of death; whereas, by finding the goods (which they do upon their oaths) to be of the value of tenpence, the thief is ordinarily sentenced to be whipped, and returns immediately to his trade of picking pockets, and the accessory is of course discharged, and of course returns to his trade of receiving the booty. Thus the jury are perjured, the public highly injured, and two

[1] Cro. Eliz. 750. Hale, Hist. vol. i. p. 530, 618.

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excellent acts of parliament defeated, that two miscreants may laugh at their prosecutors, and at the law.

The two former of these defects are indeed remedied by a later statute,[1] which enacts, "That the buyers and receivers of stolen goods, knowing them to be stolen, may be prosecuted for a misdemeanour, and punished by fine and imprisonment, though the principal felon be not before convicted of felony."

This last statute is again repeated in the 5th of Queen Anne;[2] and there the power of the court to punish in the case of the misdemeanor, is farther increased to any other corporal punishment, which the court shall think fit to inflict, instead of fine and imprisonment; and, in the case of the felony, the accessory is to receive judgment of death; but the benefit of clergy is not taken away. Lastly, by the statute of George II.[3] the receivers of stolen goods, knowing, &c., are to be transported for fourteen years. And by the same statute, every person taking money or reward, directly or indirectly, under pretence or upon account of helping any to stolen goods, unless such person apprehend and bring to his trial the felon, and give evidence against him, is made guilty of felony without benefit of clergy.

And thus stands the law at this day; which, notwithstanding the repeated endeavours of the legislature, experience shows us, is incapable of removing this deplorable evil from society.

The principal defect seems, to me, to lie in the extreme difficulty of convicting the offender; for,

1. Where the thief can be taken, you are not at liberty to prosecute for the misdemeanour.

2. The thief himself, who must be convicted before the accessory is to be tried, cannot be a witness.

3. Without such evidence it is very difficult to convict of the knowledge that the goods were stolen: which, in this case, can appear from circumstances only. Such are principally, first, Buying goods of value, of persons very

[1] 3 and 4 W. and M. c. ix. [2] Chap. xxxi. [3] Chap. xi.

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unlikely to be the lawful proprietors. Secondly, Buying them for much less than their real value. Thirdly, Buying them, or selling them again, in a clandestine manner, concealing them, &c. None of these are commonly liable to be proved; and I have known a man acquitted, where most of these circumstances have appeared against him.

What then is to be done, to extirpate this stubborn mischief? To prove the pernicious consequence of which, I need, I think, only appeal to the sense of parliament, testified in so many repeated acts, and very strongly expressed in their preambles.

First, Might it not be proper to put an effectual stop to the present scandalous method of compounding felony by public advertisements in the newspapers? Might not the inserting such advertisements be rendered highly criminal in the authors of them, and in the printers themselves, unless they discover such authors?

Secondly, Is it impossible to find any means of regulating brokers and pawnbrokers? if so, what arguments are there against extirpating entirely a set of miscreants, which, like other vermin, harbour only about the poor, and grow fat by sucking their blood?

Thirdly, Why should not the receiving stolen goods, knowing them to be stolen, be made an original offence? by which means the thief, who is often a paltry offender in comparison of the receiver, and sometimes his pupil, might, in little felonies, be made a witness against him; for thus the trial of the receiver would in no case depend on the trial or conviction of the thief.

Fourthly, Why may not the bare buying or taking to pawn stolen goods, above a certain value, be made evidence of receiving with knowledge, &c., unless the goods were bought in market overt (no broker's or pawnbroker's shop to be reputed such market overt), or unless the defendant could prove, by a credible witness to the transaction, that he had good cause to regard the seller or pawner of the goods to be the real owner. If twenty shillings was the value limited, it would answer all the purposes contended for; and would

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in nowise interfere with the honest trade (if indeed it ever be so) between the pawnbroker and the poor.

If none of these methods be thought possible or proper, I hope better will be found out. Something ought to be done, to put an end to the present practice, of which I daily see the most pernicious consequences; many of the younger thieves appearing plainly to be taught, encouraged, and employed by the receivers.

SECTION VI.

OF LAWS RELATING TO VAGABONDS.

THE other great encouragement to robbery, beside the certain means of finding a market for the booty, is the probability of escaping punishment.

First, then, the robber hath great hopes of being undiscovered; and this is one principal reason why robberies are more frequent in this town, and in its neighbourhood, than in the remoter parts of the kingdom.

Whoever indeed considers the cities of London and Westminster, with the late vast addition of their suburbs, the great irregularity of their buildings, the immense number of lanes, alleys, courts, and bye-places; must think, that, had they been intended for the very purpose of concealment, they could scarce have been better contrived. Upon such a view the whole appears as a vast wood or forest, in which a thief may harbour with as great security as wild beasts do in the deserts of Africa or Arabia; for, by *wandering* from one part to another, and often shifting his quarters, he may almost avoid the possibility of being discovered.

Here, according to the method I have hitherto pursued, I will consider, what remedy our laws have applied to this

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evil, namely, the *wandering* of the poor, and whether and wherein these remedies appear defective.

There is no part of our ancient constitution more admirable than that which was calculated to prevent the concealment of thieves and robbers. The original of this institution is given to Alfred, at the end of his wars with the Danes, when the English were very much debauched by the example of those barbarians, and betook themselves to all manner of licentiousness and rapine. These evils were encouraged, as the historians say, by the vagabond state of the offenders, who, having no settled place of abode, upon committing any offence, shifted their quarters, and went where it was difficult to discover them. To remedy this mischief, therefore, Alfred having limited the shires or counties in a better manner than before, divided them into hundreds, and these again into tithings, decennaries, or ten families.[1]

Over every one of these tithings or decennaries, there was a chief, called a tithingman or burgh-holder, who had a power to call a court, and to try small offences; the greater being referred to that court, which was in like manner established over every hundred.

Every one of these heads of families were pledges to each other for the behaviour of all their family; and were likewise reciprocally pledges for each other to the hundred.

If any person was suspected of a crime, he was obliged to find security for his good behaviour out of the same hundred and tithing. This if he could not find, he had reason to apprehend being treated with great severity; and if any accused person, either before or after his finding bail,

[1] "By these ten families (says the annotator to Rapin) we are not to understand ten housekeepers, but ten lords of manors, with all their vassals, tenants, labourers and slaves; who, though they did not all live under their lord's roof, were all counted part of his family. As there were no little freeholders in those times, nor for long after, ten such families must occupy a large space of ground, and might well constitute a rural tithing." But this rural tithing would be larger than the hundred itself; and the very name and office of a tithingman, continued in parishes to this day, shows that lords of manors could not be here meant.

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had fled from justice, the whole tithing and hundred should pay a fine to the king.

In case of the default of appearance in a decenner, his nine pledges had one-and-thirty days to bring the delinquent forth to justice. If this failed, then the chief of those decenners, by the vote of that and the neighbour decennaries, was to purge himself both of the guilt of the fact, and of being party to the flight of the delinquent. And if they could not do this, then they were, by their own oaths, to acquit themselves, and to bind themselves to bring the delinquent to justice as soon as they could; and, in the meantime, to pay the damage out of the estate of the delinquent; and, if that were not sufficient, then out of their own estate.[1]

Every subject in the kingdom was registered in some tithing; only persons of the first rank had the privilege (says Mr. Rapin[2]) that their single family should make a tithing, for which they were responsible. "All archbishops, bishops, earls, barons, and all (says Bracton) who have sok and sac, tol and team, and these kinds of liberties, ought to have under their FRIDBURGH, all their knights, servants, esquires; and, if any of them prove delinquent, the lord shall bring him to justice, or pay his fine."[3]

The master of the family was answerable for all who fed at his board, and were of his livery, and for all his servants of every kind, even for those who served him for their food only, without wages. These were said to be of his manupast; so were his guests; and if a man abode at any house but two nights, the master of that house was answerable for him.[4]

In a word, says Bracton, every man, as well freemen as others, ought to belong to some frankpledge (*i.e.* to some decenna) unless he be a traveller, or belong to the manupast of some other; or unless he give some countervailing security

[1] Bacon's Histor. Disc. p. 43.
[2] Dissertation on the Government of the Anglo-Saxons.
[3] Bract. l. iii. De Corona, cap. x.
[4] Bract. ubi sup. Brit. 19. b.

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to the public, as dignity (viz. nobility) order (knighthood, or of the clergy) or estate (viz. either freehold in land, or personal effects, *res immobiles*) if he be a citizen.

By the laws of Edward the Confessor, every person, of the age of twelve years, ought to be sworn in a view of frankpledge, *That he will neither become a thief himself, nor be anywise accessory to theft.*

This court, Britton[1] tells us, was to be holden twice a year, which was afterwards reduced to once a year by Magna Charta; and no man, says the Mirror, was, by an ancient ordinance, suffered to remain in the kingdom, who was not enrolled *in decenna*, and had freemen for his pledges.[2]

Such was this excellent constitution, which even in Alfred's time, when it was in its infancy, wrought so admirable an effect, that Ingulphus says, a traveller might have openly left a sum of money safely in the fields and highways, and have found it safe and untouched a month afterwards.[3] Nay, William of Malmesbury tells us, the king ordered bracelets of gold to be hung up in the cross ways, as a proof of the honesty of his people, none ever offering to meddle with them.[4]

But this constitution would have been deficient, if it had only provided for the incorporating the subjects, unless it had confined them to the places where they were thus incorporated.

And therefore by the laws of Alured, or Canute, it was rendered unlawful for any of the decenners to depart from their dwelling, without the consent of their fellow-pledges; nor were they at liberty to leave the country, without the licence of the sheriff or governor of the same.[5]

And if a person, who fled from one tithing, was received in another, the tithing receiving him should answer for his deed (*i.e.* by amercement) if he was there found.[6]

"Before this order was established," says Rapin, "the

[1] Brit. 36. b. [2] Mirr. chap. i. sect. 17, and chap. v. sect. 1.
[3] Script. post Bedam, p. 870. [4] Ib. p. 44. [5] Bacon, p. 44.
[6] Brit. ubi supra

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meaner sort of people might shift their quarters, by reason of their obscurity, which prevented them from being taken notice of. But it was impossible for them to change their habitation, after they were obliged to bring a testimonial from their tithing, to enable them to settle and be registered in another."[1]

"Whilst this ancient constitution remained entire, such peace," says Lord Coke, "was preserved within the realm, as no injuries, homicides, robberies, thefts, riots, tumults, or other offences, were committed; so as a man, with a white wand, might safely have ridden, before the conquest, with much money about him, without any weapon, through England."[2] Nay, even in the tumultuous times of William the Conqueror, the historians tell us, there was scarce a robber to be found in the kingdom.

This view of frankpledge remained long after the conquest: for we find it twice repeated in one chapter of Magna Charta;[3] and there particularly it is said, *Fiat autem visus de frankpleg' sic videlicet* QUOD PAX NOSTRA TENEATUR. Nay Bracton, who wrote after that time, and Fleta after him, speak of frankpledge as then subsisting.

The statute of Marlborough likewise, which was made the 52nd of Henry III. mentions the same court; as doth Britton, who wrote still later, in many places. And in the 17th of Edward II. an act was made called *The statute for the view of Frankpledge.*[4]

Nay, in the reign of Henry IV. we find an amercement for not coming to a view of frankpledge; and there the whole court of king's bench were of opinion, that every man, as well masters as servants, were obliged to repair to this court;[5] and though then possibly it was degenerated, and become little more than form.

[1] Rapin, ubi sup.
[2] 2 Instit. 73.
[3] Chap. xxxiii.
[4] But this matter was before that transferred from the decennary court to the leets and sheriff's tourn.
[5] Hill. 3 H. IV. Pl. 19.

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But in process of time, this institution dwindled to nothing; so that Lord Coke might truly say, *Quod vera institutio illius curiæ evanuit, et velut umbra ejusdem adhuc remanet;* and a little after, speaking of the frankpledge, the *Decennarii*, and the *Decenna*, he says, "They are names continued only as shadows of antiquity."[1] Nay, this great man himself (if, after a most careful and painful perusal of all he hath writ, as well here as in his 4th Institute, and other places on the subject, I may be allowed to say so) seems to have no very clear idea concerning them; and might have fairly owned, of the original of the leet of frankpledge, what one of the sages doth of a hundred, in the book of Henry VII: "That a hundred had existed above a hundred years; and therefore, as to the true definition of a hundred, and whether it was composed of a hundred towns, or a hundred lordships, and whether it had anciently more or less jurisdiction, he frankly owned that he knew nothing of the matter."[2]

The statute of Marlborough[3] had perhaps given a fatal blow to the true and ancient use of the view of frankpledge; of which, as Lord Coke says,[4] the sheriffs had made an ill use; for, in the 3rd year of the succeeding king,[5] we find the legislature providing against notorious felons, and such as be openly of evil fame, that they shall not be admitted to bail; and, in the 13th, the statute of Winchester entirely altered the law, and gave us a new constitution on this head.

1. By this act the whole hundred is made answerable in case of robberies.

2. In order to prevent the concealment of robbers in towns, it is enacted, 1. That the gates of all walled towns shall be shut from sun-setting to sun-rising. 2. A watch is

[1] 2 Inst. 71, 73.

[2] 8 H. VII. 3 b.

[3] Chap xxiv. By which justices in eyre are forbidden to amerce townships, because all of twelve years old were not sworn.

[4] 2 Instit. 147.

[5] Westminster, 1 chap. xv.

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appointed, who are to arrest all strangers. 3. No person is to lodge in the suburbs, nor in any place out of the town, unless his host will answer for him. 4. The bailiffs of towns shall make inquiry once within fifteen days at the farthest, of all persons lodged in the suburbs, &c., and of those who have received any suspicious persons.

3. To prevent the concealment of robbers without the towns, it is enacted, that the highways leading from one market-town to another shall be enlarged, and no bushes, woods, or dykes, in which felons may be concealed, shall be suffered therein.

4. Felons are to be pursued by hue and cry.

This statute, says Lord Coke, was made against a gang of rogues then called Roberdsmen, that took their denomination of one Robin Hood, who lived in Yorkshire in the reign of Richard I., and who, with his companions, harbouring in woods and deserts, committed a great number of robberies and other outrages on the subject. From this arch-thief a great number of idle and dissolute fellows, who were called Drawlatches, Ribauds, and Roberdsmen, took their rise, and infested this kingdom for above a century, notwithstanding the many endeavours of the legislature from time to time to suppress them.

In all these laws, the principal aim visibly was, to prevent idle persons wandering from place to place, which, as we have before seen, was one great point of the decennary constitution.

Thus by a law made in the 34th year of Edward III. a labourer departing from his service into another county was to be burned in the forehead with the letter F. And, by the same statute, if a labourer or servant do fly into a city or borough, the chief officer, on request, was to deliver him up.

Again, in the 7th year of Richard II. the justices of peace are ordered to examine vagabonds; and, if they have no sureties for their good behaviour, to commit them to prison.

In the 11th year of Henry VII. it was enacted, that vagabonds and idle persons shall be set on the stocks three

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days and three nights, and have no other sustenance but bread and water, and then shall be put out of the town, and whosoever gave such idle persons relief forfeited 12*d.*

By 22 Henry VIII. persons calling themselves Egyptians shall not come into the realm, under penalty of forfeiting their goods; and, if they do not depart within fifteen days after they are commanded, shall be imprisoned.

By the 1 and 2 Philip and Mary,[1] Egyptians coming into the kingdom, and remaining here a month, are made guilty of felony without benefit of clergy.

And those who bring them into the realm forfeit 40*l.*

By the 5 Elizabeth the crime of felony without clergy is extended to all who are found in the company of Egyptians, or who shall counterfeit, transform, or disguise themselves as such.

By 22 Henry VIII. a vagabond taken begging shall be whipped, and then sworn to return to the place of his birth, or last abode for three years, there to put himself to labour.

By 27 Henry VIII. a valiant beggar or sturdy vagabond shall be whipped for the first offence, and sent to the place of his birth, &c., for the second, the upper part of the gristle of his right ear cut off; and if after that he be taken wandering in idleness, &c., he shall be adjudged and executed as a felon.

I shall mention no more acts (for several were made) between this and the 39th Elizabeth, when the former acts concerning vagabonds were all repealed, and the several provisions against them were reduced to one law.

This act, which contained many wholesome provisions, remained in force a long time, but at length was totally repealed by the 12th of Queen Anne; as this was again by the 13th George II. which last-mentioned statute stands now repealed by another, made about six years ago.[2]

I have taken this short view of these repealed laws, in order to enforce two considerations. First, that the removal of an evil which the legislature have so often endeavoured

[1] Chap. iv.

[2] 17 George II. c. 5.

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to redress is of great importance to society. Secondly, That an evil which so many subsequent laws have failed of removing is of a very stubborn nature, and extremely difficult to be cured.

Here I hope to be forgiven when I suggest, that the law hath probably failed in this instance from want of sufficient direction to a single point. As on a former head the disease seems to be no other than *idleness*, so here *wandering* is the cause of the mischief, and that alone to which the remedy should be applied. This, one would imagine, should be the chief, if not sole intent, of all laws against vagabonds, which might, in a synonymous phrase, be called laws against wanderers. But as the word itself hath obtained by vulgar use a more complex signification, so have the laws on this head had a more general view than to extirpate this mischief; and by that means, perhaps, have failed of producing such an effect.

I will therefore confine myself, as I have hitherto done on this head, to the single point of preventing the poor from wandering, one principal cause of the increase of robbers; as it is the chief means of preserving them from the pursuit of justice. It being impossible for any thief to carry on his trade long with impunity among his neighbours, and where not only his person, but his way of life, must be well known.

Now to obviate this evil the law, as it now stands, hath provided in a twofold manner. 1. By way of prevention; and, 2. By way of remedy.

As to the first, the statute of Elizabeth declares,[1] that no person retained in husbandry, or in any art or science in the act mentioned,[2] after the time of his retainer is expired, shall depart out of any city, parish, &c., nor out of the county, &c., to serve in any other, unless he have a testimonial under the seal of the city or town corporate, or of the constable or other head officer, and two other honest householders of the city, town, or parish, where he last

[1] 5 Eliz. c. iv. sect. 10, in force, though not in use.

[2] *i.e.* in almost every trade.

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served, declaring his lawful departure, and the name of the shire and place where he served last. This certificate is to be delivered to the servant, and registered by the parson, for 2*d.*, and the form of it is given in the act.

And no person is to be retained in any other service, without showing such testimonial to the chief officer of the town corporate, and in every other place to the constable, curate, &c., on pain of imprisonment, till he procure a testimonial; and, if he cannot procure such testimonial within twenty-one days he shall be whipped, and treated like a vagabond; so shall he be if found with a forged testimonial. And those who receive him without showing such testimonial as aforesaid forfeit 5*l.*

As to the second, the law hath been extremely liberal in its provisions. These are of two sorts, 1. Simply compulsory; and, 2. Compulsory with punishment. Under the former head may be ranged the several acts of parliament relating to the settlement, or rather removal of the poor.

As these statutes, though very imperfectly executed, are pretty generally known (the nation having paid some millions to Westminster Hall for the knowledge of them), I shall mention them very slightly in this place.

The statute of Elizabeth, together with the wise execution of it, having made the poor an intolerable burden to the public, disputes began to arise between parishes, to whose lot it fell to provide for certain individuals; for the laws for confining the poor to their own homes being totally disregarded, these used to ramble wherever whim or conveniency invited them. The overseers in one parish were perhaps more liberal of the parochial fund than those in another; or, sometimes, probably, the overseer of the parish A was a friend or a relation of a poor person of the parish B, who did not choose to work. From some such reason the poor of one parish began to bring a charge on another.

To remedy such inconveniencies, immediately after the restoration,[1] a statute was made by which if any poor man likely to be chargeable came to inhabit in a foreign parish,

[1] 13 and 14 Car. II. c. xii.

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unless in a tenement of 10*l.* a year, the overseers might complain to one justice within forty days, and then two justices were to remove the poor person to the place of his last legal settlement.

By a second act,[1] the forty days are to be reckoned after notice given in writing to the churchwarden or overseer by the poor person, containing the place of his abode, number of his family, &c.

But by the same statute the executing a public annual office during a year, or being charged with and paying to the public taxes, &c., or (if unmarried and not having a child) being lawfully hired into any parish, and serving for one year, or being bound apprentice by indenture, and inhabiting, &c., are all made good settlements without notice.

By a third statute,[2] persons bringing a certificate signed by the overseers, &c., and allowed by two justices, cannot be removed till they become chargeable.

By a fourth,[3] no such certificate person shall gain a settlement by any other act than by *bona fide* taking a lease of a tenement of 10*l.* per annum, or by executing an annual office.

By a fifth,[4] no apprentice or hired servant of certificate person shall, by such service or apprenticeship, gain any settlement.

By a sixth,[5] no person by any purchase of which the consideration doth not *bona fide* amount to 30*l.* shall gain any settlement longer than while he dwells on such purchase.

So much for these laws of removal, concerning which there are several other acts of parliament, and law cases innumerable.

And yet the law itself is, as I have said, very imperfectly executed at this day, and that for several reasons.

1. It is attended with great trouble; for as the act of Charles II. *very wisely* requires two justices, and the Court of King's Bench requires them both to be present together

[1] 3 and 4 W. and M. c. xi. See 1 Jac. II. c. xvii.
[2] 8 and 9 W. III. c. xxx.
[3] 9 and 10 W. III. c. xi.
[4] 12 Anne, c. xviii.
[5] Geo. I. c. vii.

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(though they seldom are so), the order of removal is sometimes difficult to be obtained, and more difficult to be executed; for the parish to which the party is to be removed (perhaps with a family) is often in a distant county; nay, sometimes they are to be carried from one end of the kingdom to another.

2. It is often attended with great expense, as well for the reason aforesaid as because the parish removing is liable to an appeal from the parish to which the poor is removed. This appeal is sometimes brought by a wealthy and litigious parish against a poor one, without any colour of right whatever.

3. The removal is often ineffectual; for, as the appeal is almost certain to be brought if an attorney lives in the neighbourhood; so is it almost as sure to succeed if a justice lives in the parish. And as for relief in the King's Bench, if the justices of peace will allow you to go thither (for that they will not always do) the delay, as well as the cost, is such, that the remedy is often worse than the disease.

For these reasons it can be no wonder that parishes are not very forward to put this law in execution. Indeed, in all cases of removal, the good of the parish, and not of the public, is consulted; nay, sometimes, the good of an individual only; and therefore the poor man who is capable of getting his livelihood by his dexterity at any handicraft, and likely to do it by his industry, is sure to be removed with his family; especially if the overseer, or any of his relations, should be of the same occupation; but the idle poor, who threaten to rival no man in his business, are never taken any notice of, till they become actually chargeable; and if, by begging or robbing, they avoid this, as it is no man's interest, so no man thinks it his duty to apprehend them.

It cannot therefore be expected, that any good of the kind I am contending for should be effected by this branch of the law; let us therefore, in the second place, take a view of that which is expressly levelled at vagrants, and calculated, as it appears, for the very purpose of suppressing wanderers.

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To survey this branch will be easy, as all the laws concerning vagrants are now reduced into one act of parliament; and it is the easier still, as this act is very clearly penned, and (which is not always the case) reduced to a regular and intelligible method.

By this act then three degrees of offences are constituted.

First, persons become idle and disorderly within the act, by, 1. Threatening to run away and to leave their wives or children to the parish. 2. Unlawfully returning to the place from whence they have been legally removed by the order of two justices, without bringing a certificate, &c. 3. Living idle without employment, and refusing to work for usual and common wages. 4. By begging in their own parishes.

Secondly, persons by, 1. Going about as patent-gatherers, or gatherers of alms under pretence of loss by fire, or other casualty; or, 2. Going about as collectors for prisons, gaols, or hospitals. 3. Being fencers and bearwards. 4. Or common players of interludes, &c. 5. Or minstrels, jugglers. 6. Pretending to be gipsies, or wandering in such habit. 7. Pretending to physiognomy, or like crafty science, &c. 8. Using any subtle craft to deceive and impose on any of his Majesty's subjects. 9. Playing or sitting at unlawful games. 10. Running away, and leaving wives or children, whereby they become chargeable to any parish. 11. Wandering abroad as petty chapmen or pedlars, not authorised by law. 12. Wandering abroad and lodging in alehouses, barns, out-houses, or in the open air, not giving a good account of themselves. 13. Wandering abroad and begging, pretending to be soldiers, mariners, seafaring men, or pretending to go to work at harvest. 14. Wandering abroad and begging—are to be deemed rogues and vagabonds.

Thirdly, 1. End-gatherers offending against the 13 George I. entituled, *An Act for the better Regulation of the Woollen Manufactures*, &c., being convicted of such offence; 2. Persons apprehended as rogues and vagabonds escaping; or, 3, refusing to go before a justice; or, 4, refusing to be examined on oath; or, 5, refusing to be conveyed by a pass; or, 6, on examination giving a false account of themselves, after

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warning of the punishment. 7. Rogues and vagabonds escaping out of the house of correction, &c.; or, 8, those who have been punished as rogues and vagabonds, shall offend again as such, are made incorrigible rogues.

Now as to the first of these three divisions, it were to be wished, that persons who are found in alehouses, nighthouses, &c., after a certain hour at night, had been included; for many such, though of very suspicious characters, taken up at privy searches, fall not under any of the above descriptions. Some of these I have known discharged against whom capital complaints have appeared when it hath been too late. Why might not the justice be entrusted with a power of detaining any suspicious person who could produce no known housekeeper, or one of credit, to his character, for three days, within which time he might, by means of an advertisement, be viewed by numbers who have been lately robbed? some such have been, I know, confined upon an old statute as persons of evil fame, with great emolument to the public.

But I come to the second head, namely, of vagabonds; and here I must observe, that *wandering* is of itself made no offence: so that unless such wanderer be either a petty chapman, or a beggar or lodger in alehouses, &c., he is not within the act of parliament.

Now, however useful this excellent law may be in the country, it will by no means serve the purpose in this town; for, though most of the rogues who infest the public roads and streets, indeed almost all the thieves in general are vagabonds in the true sense of the word, being wanderers from their lawful place of abode, very few of them will be proved vagabonds within the words of this act of parliament. These vagabonds do, indeed, get their livelihood by thieving, and not as petty beggars or petty chapmen; and have their lodging not in alehouses, &c., but in private houses, where many of them resort together, and unite in gangs, paying each *2d.* per night for their beds.

The following account I have had from Mr. Welch, the

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high-constable of Holborn; and none who know that gentleman, will want any confirmation of the truth of it.

"That in the parish of St. Giles's there are great numbers of houses set apart for the reception of idle persons and vagabonds, who have their lodgings there for twopence a night; that in the above parish, and in St. George, Bloomsbury, one woman alone occupies seven of these houses, all properly accommodated with miserable beds from the cellar to the garret, for such twopenny lodgers: that in these beds, several of which are in the same room, men and women, often strangers to each other, lie promiscuously; the price of a double bed being no more than threepence, as an encouragement to them to lie together; but as these places are thus adapted to whoredom, so are they no less provided for drunkenness, gin being sold in them all at a penny a quartern; so that the smallest sum of money serves for intoxication; that in the execution of search-warrants Mr. Welch rarely finds less than twenty of these houses open for the receipt of all comers at the latest hours; that in one of these houses, and that not a large one, he hath numbered fifty-eight persons of both sexes, the stench of whom was so intolerable that it compelled him in a short time to quit the place." Nay, I can add, what I myself once saw in the parish of Shoreditch, where two little houses were emptied of near seventy men and women; amongst whom was one of the prettiest girls I had ever seen, who had been carried off by an Irishman, to consummate her marriage on her wedding-night in a room where several others were in bed at the same time.

If one considers the destruction of all morality, decency, and modesty; the swearing, whoredom, and drunkenness, which is eternally carrying on in these houses, on the one hand, and the excessive poverty and misery of most of the inhabitants on the other, it seems doubtful whether they are more the objects of detestation or compassion; for such is the poverty of these wretches, that, upon searching all the above number, the money found upon all of them (except the bride, who, as I afterwards heard, had robbed her mistress) did not

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amount to one shilling; and I have been credibly informed, that a single loaf hath supplied a whole family with their provisions for a week. Lastly, if any of these miserable creatures fall sick (and it is almost a miracle that stench, vermin, and want, should ever suffer them to be well) they are turned out in the streets by their merciless host or hostess, where, unless some parish officer of extraordinary charity relieves them, they are sure miserably to perish, with the addition of hunger and cold to their disease.

This picture, which is taken from the life, will appear strange to many; for the evil here described is, I am confident, very little known, especially to those of the better sort. Indeed this is the only excuse, and I believe the only reason, that it hath been so long tolerated; for when we consider the number of these wretches, which, in the outskirts of the town, amounts to a great many thousands,[1] it is a nuisance which will appear to be big with every moral and political mischief. Of these the excessive misery of the wretches themselves, oppressed with want, and sunk in every species of debauchery, and the loss of so many lives to the public, are obvious and immediate consequences. There are some more remote, which, however, need not be mentioned to the discerning.

Among other mischiefs attending this wretched nuisance, the great increase of thieves must necessarily be one. The wonder in fact is that we have not a thousand more robbers than we have; indeed, that all these wretches are not thieves must give us either a very high idea of their honesty, or a very mean one of their capacity and courage.

Where then is the redress? Is it not *to hinder the poor from wandering*, and this by compelling the parish and peace officers to apprehend such wanderers or vagabonds, and by empowering the magistrate effectually to punish and send them to their habitations? Thus if we cannot discover, or will not encourage any cure for idleness, we shall at least

[1] Most of these are Irish, against the importation of whom a severe law was made in the reign of Henry VI., and many of the repealed vagrant acts contained a clause for the same purpose.

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compel the poor to starve or beg at home; for there it will be impossible for them to steal or rob without being presently hanged or transported out of the way.

SECTION VII.

OF APPREHENDING THE PERSONS OF FELONS.

I COME now to a third encouragement which the thief flatters himself with; viz. in his hopes of escaping from being apprehended.

Nor is this hope without foundation: how long have we known highwaymen reign in this kingdom after they have been publicly known for such? Have not some of these committed robberies in open daylight, in the sight of many people, and have afterward rode solemnly and triumphantly through the neighbouring towns without any danger or molestation? This happens to every rogue who is become eminent for his audaciousness, and is thought to be desperate; and is, in a more particular manner, the case of great and numerous gangs, many of which have, for a long time, committed the most open outrages in defiance of the law. Officers of justice have owned to me, that they have passed by such with warrants in their pockets against them without daring to apprehend them; and, indeed, they could not be blamed for not exposing themselves to sure destruction; for it is a melancholy truth, that, at this very day, a rogue no sooner gives the alarm, within certain purlieus, than twenty or thirty armed villains are found ready to come to his assistance.

On this head the law may seem not to have been very defective in its cautions; First, by vesting not only the officers of justice, but every private man, with authority for securing these miscreants, of which authority it may be

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of service to the officers, as well as to the public in general, to be more particularly informed.

First, By Westminster I.[1] Persons of evil fame are to be imprisoned without bail. By the statute of Winchester[2] suspicious night-walkers are to be arrested and detained by the watch. A statute made in 5 Edw. III.[3] reciting that many manslaughters, felonies, and robberies, had been done in times past, enacts, that if any person have an evil suspicion of such offenders, they shall be incontinently arrested by the constable, and shall be delivered to the bailiff of the franchise, or to the sheriff, to be kept in prison till the coming of the justices. The 34 Edw. III.[4] gives power to the justices of peace, *inter alia*, to inquire of wanderers, and such as will not labour, and to arrest and imprison suspicious persons, and to take sureties of the good behaviour of persons of evil fame, "to the intent," says the statute, "that the people be not by such rioters, &c., troubled nor endamaged, nor the peace blemished, nor merchants nor others passing by the highways of the realm disturbed, nor put in peril by such offenders."

Secondly, By the common law every person who hath committed a felony may be arrested and secured by any private man present at the said fact, though he hath no general nor particular authority, *i.e.* though he be no officer of justice, nor have any writ or warrant for so doing; and such private man may either deliver the felon to the constable, secure him in a gaol, or carry him before a magistrate.[5] And if he refuses to yield, those who arrest may justify beating[6] him; or, in case of absolute necessity, killing him.[7]

Nor is this arrest merely allowed; it is enjoined by law, and the omission, without some good excuse, is a misdemeanour punishable by amercement or fine and imprisonment.[8]

[1] Westm. I. chap. xv.
[2] Winton. chap. iv.
[3] 5 Edw. III. chap. xiv.
[4] 34 Edw. III. c.
[5] Hale's Hist. P. C. vol. i. 587, vol. ii. 77. Hale's Hist. vol. i. 588.
[6] Pult. 10. a.
[8] Hale, vol. i. 588. vol. ii. 76, 77.

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Again, every private man may arrest another on suspicion of felony, though he was not present at the fact.[1] But then, if the party arrested should prove innocent, two circumstances are necessary to justify the arrest. First, A felony must be actually committed; and, Secondly, There must be a reasonable cause of suspicion[2]; and common fame hath been adjudged to be such cause.[3]

But in this latter case my Lord Hale advises the private person, if possible, to have recourse to the magistrate and obtain his warrant and the assistance of the constable;[4] for this arrest is not required by law, nor is the party punishable for neglecting it; and should the person arrested, or endeavoured to be arrested, prove innocent, the party arresting him, &c., will, in a great measure, be answerable for the ill consequence; which, if it be the death of the innocent person occasioned by force or resistance, this will, at least, be manslaughter; and if the other should be killed in the attempt, this likewise will amount to manslaughter only.[5]

Again, any private person may justify arresting a felon pursued by hue and cry. This, as the word imports, is a public alarm raised all over the country, in which the constable is first to search his own vill or division, and then to raise all the neighbouring vills about, who are to pursue the felon with horse and foot.[6] And this hue and cry may either be after a person certain, or on a robbery committed where the person is not known; and in the latter case those who pursue it may take such persons as they have probable cause to suspect,[7] vagrants, &c.

This method of pursuit lies at the common law, and is mentioned by Bracton;[8] and it is enforced by many statutes, as by Westm. I.,[9] "All are to be ready at the summons of the sheriff, and at the cry of the county, to arrest felons as well within franchises as without." By 4 Edw. I. "Hue and

[1] Lamb. l. ii. c. 3. Dalt. 403. Hale's Hist. vol. i. 588, 3 Hen. VII. c. i.
[2] Hale's Hist. vol. ii. 80.
[3] Dalt. 407, 5 H. VII. 4, 5.
[4] Hale's Hist. vol. ii. 76.
[5] Ib. vol. ii. 82—3—4.
[6] Ib. vol. ii. 101.
[7] Ib. vol. ii. 102.
[8] Lib. iii. c. i.
[9] Cap. ix.

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cry is ordered to be levied for all murders, burglaries, men slain, or in peril to be slain, and all are to follow it." And, lastly, the statute of Winton enacts as we have seen before.

And this pursuit may be raised, 1. By a private person. 2. By the country without an officer. 3. By an officer without a warrant. 4. By the warrant of a magistrate. And this last, if it can be obtained, is the safest way; for then all who assist are enabled by the statutes 7 and 21 Jac. to plead the general issue.[1]

The common law so strictly enjoined this pursuit, that if any defect in raising it lay in the lord of the franchise, the franchise should be seized into the king's hands; and, if the neglect lay in the bailiff, he should have a heavy fine, and a year's imprisonment, or suffer two years' imprisonment without a fine.[2] And now, by a very late[3] statute, "If any constable, headborough, &c., of the hundred where any robberies shall happen, shall refuse or *neglect* to make hue and cry after the felons with the utmost expedition, as soon as he shall receive notice thereof, he shall, for every such refusal and neglect, forfeit 5*l.*, half to the king and half to the informer."

Now hue and cry is of three different kinds: 1. Against a person certain by name. 2. Against a person certain by description. 3. On a robbery, burglary, &c., where the person is neither known nor capable of being described.

When a hue and cry is raised, every private man is not only justified in pursuing, but may be obliged, by command of the constable, to pursue the felon, and is punishable, if he disobey, by fine and imprisonment.[4] And in this case, whether a felony was committed or not, or whether the person arrested (provided he be the person named or described by the hue and cry) be guilty or innocent, or of evil or good fame, the arrest is lawful and justifiable,

[1] Hale's Hist. vol. i. 405, vol. ii. 99, 100.
[2] Fleta, l. i. c. 24, ad Init.
[3] 8 Geo. II. c. 16.
[4] Hale's Hist. vol. i. 58, vol. ii. 104.

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and he who raised the hue and cry is alone to answer for the justice of it.[1]

In this pursuit likewise the constable may search suspected houses, if the doors be open; but breaking the door will not be justifiable, unless the felon be actually in the house: nor even then, unless admittance hath been first demanded and denied.[2] And what the constable may do himself will be justifiable by any other in his assistance, at least, by his command.[3] Indeed a private person may justify the arrest of an offender by the command of a peace-officer; for he is bound to be aiding and assisting to such officer, is punishable for his refusal, and is consequently under the protection of the law.[4]

Lastly, a private person may arrest a felon by virtue of a warrant directed to him; for though he is not bound to execute such warrant, yet if he doth, it is good and justifiable.[5]

Thirdly, Officers of public justice may justify the arrest of a felon by virtue of their office, without any warrant. Whatever therefore a private person may do as above will certainly be justifiable in them.

And, as the arresting felons, &c., is more particularly their duty, and their fine will be heavier for the neglect, so will their protection by the law be the greater; for if, in arresting those that are *probably suspected*, the constable should be killed, it is murder; on the other hand, if persons pursued by these officers for felony, or *justifiable suspicion* thereof, shall resist or fly from them; on being apprehended shall rescue themselves, resist, or fly; so that they cannot *otherwise* be apprehended or re-apprehended, and are of *necessity* slain, it is no felony in the officers, or in their assistants, though possibly the parties killed are innocent; for, by resisting the

[1] 29 Ed. III. 39, 35 Hen. IV. Pl. 24, Hale's Hist. vol. ii. 101—2.
[2] Ib. 102, 103.
[3] Hale's Hist. vol. ii. 104.
[4] Pult. 6, 15, Hale's Hist. vol. ii. 86.
[5] Dalt. 408. Hale's Hist. vol. ii. 86.

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king's authority in his officers, they draw their own blood on themselves.[1]

Again, to take a felon or suspected felon, the constable without any warrant may break open the door. But to justify this he must show; 1. That the felon, &c., was in the house. 2. That his entry was denied. 3. That it was denied after demand and notice that he was constable.[2]

Lastly, a felon may be apprehended by virtue of a warrant issuing from a magistrate lawfully authorised; in the execution of which the officer hath the same power, and will, at least, have the same protection by law as in the arrest *virtute officii*. And this warrant, if it be specially directed to him, the constable may execute in any part within the jurisdiction of the magistrate; but he is only obliged to execute it within the division for which he is constable, &c.

In the execution of a warrant for felony the officer may break open the doors of the felon, or of any person where he is concealed; and the breaking the doors of the felon is lawful at all events, but in breaking those of a stranger the officer acts at his peril; for he will be a trespasser if the felon should not be there.[3]

Such are the powers which the law gives for the apprehending felons (for as to the particular power of sheriffs and coroners, and the process of superior courts, they may well be passed by in this place). Again, these powers we see are enforced with penalties; so that not only every officer of justice, but every private person, is obliged to arrest a known felon, and may be punished for the omission.

Nor does the law stop here. The apprehending such felons is not only authorised and enjoined, but even encouraged, with impunity to persons guilty themselves of felony, and with regard to others.

By 3 and 4 of William and Mary,[4] persons guilty of robbery in the highway, fields, &c., who, being out of prison,

[1] Dalt. 409. 13 Edw. IV. 4 & 9, 5 to 92. Hale's Hist. vol. ii. 86, 90, 91.
[2] Ib. vol. i. 581, vol. ii. 110.
[3] Ib. vol. i. 582, vol. i. 117. 5 Co. 91, b.
[4] Chap. viii.

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shall discover any two offenders to be convicted of such robbery, are entitled to his majesty's pardon of such robberies, &c., as they shall have then committed.

By 10 and 11 of William III.,[1] this is extended to burglary, and such felonies as are mentioned in the act.

By the same act all persons who shall apprehend a felon for privately stealing goods to the value of 5*s.* out of shop, warehouse, coach-house, or stable, by night or by day (provided the felon be convicted thereof) shall be entitled to a certificate, which may be assigned once, discharging such apprehender or his assignee from all parochial offices in the parish or ward where such felony was committed. This certificate is to be enrolled by the clerk of the peace, and cannot be assigned after it hath been used.

If any man be killed by such housebreaker, &c., in the attempt to apprehend him, his executors or administrators shall be entitled to such certificate.

By the 3 and 4 of W. and M.[2] whoever shall apprehend and prosecute to conviction any robber on the highway, shall receive of the sheriff 40*l.* within a month after the conviction, for every offender; and in case of the death or removal of the sheriff, the money to be paid by the succeeding sheriff within a month after the demand and certificate brought. The sheriff on default forfeits double his sum, to be recovered of him by the party, his executors, &c.

And if the person be killed in this attempt by any such robber, the executors of such person, &c., are entitled to the reward, under the like penalty.

Again, by the same act, the horse, furniture, arms, money, or other goods, taken with such highwaymen, are given to the apprehender who shall prosecute to conviction, notwithstanding the right or title of his majesty, any body politic or lord of franchise, or of those who lent or let the same to hire to such robber, with a saving only of the right of such persons from whom such horses, &c., were feloniously taken.

By a statute of Queen Anne the 40*l.* reward is extended to burglary and housebreaking.

[1] Chap. xxiii. [2] Chap. viii. ubi supra.

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But though the law seems to have been sufficiently provident on this head, there is still great difficulty in carrying its purpose into execution, arising from the following causes:

First, With regard to private persons, there is no country, I believe, in the world where that vulgar maxim so generally prevails, that what is the business of every man is the business of no man; and for this plain reason, that there is no country in which less honour is gained by serving the public. He therefore who commits no crime against the public is very well satisfied with his own virtue; far from thinking himself obliged to undergo any labour, expend any money, or encounter any danger, on such account.

Secondly, The people are not entirely without excuse from their ignorance of the law; for so far is the power of apprehending felons, which I have above set forth, from being universally known, that many of the peace-officers themselves do not know that they have any such power, and often, from ignorance, refuse to arrest a known felon till they are authorised by a warrant from a justice of peace. Much less then can the compulsory part to the private persons carry any terror of a penalty of which the generality of mankind are totally ignorant; and of inflicting which they see no example.

Thirdly, So far are men from being animated with the hopes of public praise to apprehend a felon, that they are even discouraged by the fear of shame. The person of the informer is in fact more odious than that of the felon himself; and the thief-catcher is in danger of worse treatment from the populace than the thief.

Lastly, As to the reward, I am afraid that the intention of the legislature is very little answered. For, not to mention that the prosecutor's title to it is too often defeated by the foolish lenity of juries, who, by acquitting the prisoner of the burglary, and finding him guilty of the simple felony only, or by finding the goods to be less than the value of 5*s.*, both often directly contrary to evidence, take the case entirely out of the act of parliament; and sometimes even when the felon

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is properly convicted, I have been told that the money does not come so easily and fully to the pockets of those who are entitled to it as it ought.

With regard to the first and fourth of these objections, I choose to be silent: to prescribe any cure for the former I must enter into disquisitions very foreign to my present purpose; and for the cure of the latter, when I consider in whose power it is to remedy it, a bare hint will I doubt not suffice.

The second objection, namely, the excuse of ignorance, I have here endeavoured to remove, by setting forth the law at large.

The third therefore only remains, and to that I shall speak more fully, as the opinion on which it is founded is of the most pernicious consequence to society; for what avail the best of laws if it be a matter of infamy to contribute towards their execution? The force of this opinion may be seen in the following instance: We have a law by which every person who drives more than six horses in a waggon forfeits as many horses as are found to exceed that number. This law is broken every day, and generally with impunity; for, though many men yearly venture and lose their lives by stealing horses, yet there are very few who dare seize a horse where the law allows and encourages it, when by such a seizure he is to acquire the name of an informer, so much worse is this appellation in the opinion of the vulgar than that of thief; and so much more prevalent is the fear of popular shame than of death.

This absurd opinion seems to have first arisen from the statute of 18 Elizabeth,[1] entitled, *An Act to redress Disorders in Common Informers.* By this statute it appears, that very wicked uses had been made of penal statutes by these informers, who my Lord Coke calls *turbidum hominum genus*;[2] and says, "That they converted many penal laws which were obsolete, and in time grown impossible or inconvenient to be performed, into snares to vex and entangle the subject."

[1] Chap. v.

[2] 3 Inst. c. lxxxvii.

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By the statute itself it appears, that it was usual at that time among these persons to extort money of ignorant and fearful people by the terror of some penal law; for the breach of which the informer either instituted a process, or pretended to institute a process, and then brought the timorous party to a composition.

This offence therefore was by this act made a high misdemeanour, and punished with the pillory.

Now who, that knows any thing of the nature or history of mankind, doth not easily perceive here a sufficient foundation for that odium to all informers which have since become so general; for what is more common than from the abuse of any thing to argue against the use of it, or to extend the obloquy from particulars to universals?

For this the common aptitude of men to scandal will sufficiently account; but there is still another and stronger motive in this case, and that is the interest of all those who have broken or who intend to break the laws. Thus the general cry being once raised against prosecutors on penal laws, the thieves themselves have had the art and impudence to join it, and have put their prosecutors on the footing of all others; nay, I must question whether, in the acceptation of the vulgar, a thief-catcher be not a more odious and contemptible name than even that of informer.

Nothing, I am sensible, is more vain than to encounter popular opinion with reason; nor more liable to ridicule than to oppose general contempt, and yet I will venture to say, that if to do good to society be laudable, so is the office of a thief-catcher; and if to do this good at the extreme hazard of your life be honourable, then is this office honourable. True, it may be said, but he doth this with a view to a reward. And doth not the soldier and the sailor venture his life with the same view? for who, as a great man lately said, serves the public for nothing?

I know what is to be my fate in this place, or what would happen to one who should endeavour to prove that the hangman was a great and an honourable employment. And yet I have read, in Tournefort, of an island in the

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Archipelago where the hangman is the first and highest officer in the state. Nay, in this kingdom the sheriff himself (who was one of the most considerable persons in his county) is in law the hangman, and Mr. Ketch is only his deputy.

If to bring thieves to justice be a scandalous office, what becomes of all those who are concerned in this business, some of whom are rightly thought to be among the most honourable officers in government? If on the contrary this be, as it surely is, very truly honourable, why should the post of danger in this warfare alone be excluded from all share of honour?

To conclude a matter in which, though serious, I will not be too tedious, what was the great Pompey in the piratic war?[1] what Hercules, Theseus, and the other heroes of old, *Deorum in templa recepti*—Were they not the most eminent of thief-catchers?

SECTION VIII.

OF THE DIFFICULTIES WHICH ATTEND PROSECUTIONS.

I NOW come to a fourth encouragement which greatly holds up the spirit of robbers, and which they often find to afford no deceitful consolation; and this is drawn from the remissness of prosecutors, who are often,

1. Fearful, and to be intimidated by the threats of the gang; or,

2. Delicate, and cannot appear in a public court; or,

3. Indolent, and will not give themselves the trouble of a prosecution; or,

4. Avaricious, and will not undergo the expense of it;

[1] Cicero, in his oration *Pro Lege Manilia*, calls this, if I remember rightly, *Bellum Turpe;* but speaks of the extirpation of these robbers as of the greatest of all Pompey's exploits.

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nay, perhaps, find their account in compounding the matter; or,

5. Tender-hearted, and cannot take away the life of a man; or,

Lastly, Necessitous, and cannot really afford the cost, however small, together with the loss of time which attends it.

The first and second of these are too absurd, and the third and fourth too infamous, to be reasoned with. But the two last deserve more particular notice, as the fifth is an error springing originally out of a good principle in the mind, and the sixth is a fault in the constitution very easily to be remedied.

With regard to the former of these, it is certain that a tender-hearted and compassionate disposition, which inclines men to pity and feel the misfortunes of others, and which is, even for its own sake, incapable of involving any man in ruin and misery, is of all tempers of mind the most amiable; and though it seldom receives much honour, is worthy of the highest. The natural energies of this temper are indeed the very virtues principally inculcated in our excellent religion; and those who, because they are natural, have denied them the name of virtues seem not, I think, to be aware of the direct and impious tendency of a doctrine that denies all merit to a mind which is naturally, I may say necessarily, good.

Indeed the passion of love or benevolence, whence this admirable disposition arises, seems to be the only human passion that is in itself simply and absolutely good; and in Plato's commonwealth, or (which is more) in a society acting up to the rules of Christianity, no danger could arise from the highest excess of this virtue; nay, the more liberally it was indulged, and the more extensively it was expanded, the more would it contribute to the honour of the individual, and to the happiness of the whole.

But, as it hath pleased God to permit human societies to be constituted in a different manner, and knaves to form a part (a very considerable one, I am afraid) of every

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community, who are ever lying in wait to destroy and ensnare the honest part of mankind, and to betray them by means of their own goodness, it becomes the good-natured and tender-hearted man to be watchful over his own temper; to restrain the impetuosity of his benevolence, carefully to select the objects of this passion, and not by too unbounded and indiscriminate an indulgence to give the reins to a courser which will infallibly carry him into the ambuscade of the enemy.

Our Saviour Himself inculcates this prudence among His disciples, telling them, that He "sent them forth like sheep among wolves; be ye therefore," says He, "wise as serpents, but innocent as doves."

For want of this wisdom a benevolent and tender-hearted temper very often betrays men into errors not only hurtful to themselves but highly prejudicial to the society. Hence men of invincible courage, and incorruptible integrity, have sometimes falsified their trust; and those whom no other temptation could sway have paid too little regard to the sanction of an oath from this inducement alone. Hence likewise the mischief which I here endeavour to obviate hath often arisen; and notorious robbers have lived to perpetrate future acts of violence, through the ill-judging tenderness and compassion of those who could and ought to have prosecuted them.

To such a person I would suggest these considerations:

First, As he is a good man, he should consider, that the principal duty which every man owes is to his country, for the safety and good of which all laws are established, and therefore his country requires of him to contribute all that in him lies to the due execution of those laws. Robbery is an offence not only against the party robbed, but against the public, who are therefore entitled to prosecution, and he who prevents or stifles such prosecution is no longer an innocent man, but guilty of a high offence against the public good.

Secondly, As he is a good-natured man, he will behold all injuries done by one man to another with indignation.

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What Cicero says of a pirate is as true of a robber, that he is *hostis humani generis;* and if so, I am sure every good-natured man must be an enemy to him. To desire to save these wolves in society may arise from benevolence, but it must be the benevolence of a child or a fool, who, from want of sufficient reason, mistakes the true objects of his passion, as a child doth when a bugbear appears to him to be the object of fear. Such tender-heartedness is indeed barbarity, and resembles the meek spirit of him who would not assist in blowing up his neighbour's house to save a whole city from the flames. "It is true," said a learned chief justice,[1] in a trial for treason, "here is the life of a man in the case, but then you (speaking to the jury) must consider likewise the misery and desolation, the blood and confusion, that must have happened had this taken effect; and put one against the other, I believe that consideration which is on behalf of the king will be much the stronger." Here likewise is the life of a man concerned; but of what man? Why, of one who, being too lazy to get his bread by labour, or too voluptuous to content himself with the produce of that labour, declares war against the properties, and often against the persons, of his fellow-subjects; who deprives his countrymen of the pleasure of travelling with safety, and of the liberty of carrying their money or their ordinary conveniences with them; by whom the innocent are put in terror, affronted and alarmed with threats and execrations, endangered with loaded pistols, beat with bludgeons, and hacked with cutlasses, of which the loss of health, of limbs, and often of life, is the consequence; and all this without any respect to age, or dignity, or sex. Let the good-natured man, who hath any understanding, place this picture before his eyes, and then see what figure in it will be the object of his compassion.

I come now to the last difficulty which obstructs the prosecution of offenders; namely, the extreme poverty of the prosecutor. This I have known to be so absolutely the

[1] Lord Chief Justice Pratt.

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case, that the poor wretch who hath been bound to prosecute was under more concern than the prisoner himself. It is true that the necessary cost on these occasions is extremely small; two shillings, which are appointed by act of parliament for drawing the indictment, being, I think, the whole which the law requires; but when the expense of attendance, generally with several witnesses, sometimes during several days together, and often at a great distance from the prosecutor's home; I say, when these articles are summed up, and the loss of time added to the account, the whole amounts to an expense which a very poor person, already plundered by the thief, must look on with such horror (if he should not be absolutely incapable of the expense) that he must be a miracle of public spirit if he doth not rather choose to conceal the felony, and sit down satisfied with his present loss; but what shall we say when (as is very common in this town) he may not only receive his own again, but be farther rewarded, if he will agree to compound it?

Now, how very inconsiderable would be the whole cost of this suit, either to the country or the nation, if the public to whom the justice of peace gives his whole labour on this head gratis, was to defray the cost of such trial (by a kind of *formâ pauperis* admission); the sum would be so trivial that nothing would be felt but the good consequences arising from such a regulation.

I shall conclude this head with the words of my Lord Hale: "It is," says he, "a great defect in the law, to give courts of justice no power to allow witnesses against criminals their charges; whereby," says he, "many poor persons grow weary of their attendance, or bear their own charges therein to their great hindrance and loss."

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SECTION IX.

OF THE TRIAL AND CONVICTION OF FELONS.

BUT if, notwithstanding all the rubs which we have seen to lie in the way, the indictment is found, and the thief brought to his trial, still he hath sufficient hopes of escaping, either from the caution of the prosecutor's evidence or from the hardiness of his own.

In street-robberies the difficulty of convicting a criminal is extremely great. The method of discovering these is generally by means of one of the gang, who, being taken up perhaps for some other offence, and thinking himself in danger of punishment, chooses to make his peace at the expense of his companions.

But when, by means of this information, you are made acquainted with the whole gang, and have with great trouble, and often with great danger, apprehended them, how are you to bring them to justice? for though the evidence of the accomplice be ever so positive and explicit, nay, even so connected and probable, still, unless it be corroborated by some other evidence, it is not sufficient.

Now how is this corroborating evidence to be obtained in this case? Street-robberies are generally committed in the dark, the persons on whom they are committed are often in chairs and coaches, and if on foot the attack is usually begun by knocking the party down, and for the time depriving him of his senses. But if the thief should be less barbarous he is seldom so incautious as to omit taking every method to prevent his being known, by flapping the party's hat over his face, and by every other method which he can invent to avoid discovery.

But indeed any such methods are hardly necessary; for when we consider the circumstance of darkness, mentioned before, the extreme hurry of the action, and the terror and consternation in which most persons are in at such a time, how shall we imagine it possible that they should afterwards

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be able, with any (the least) degree of certainty, to swear to the identity of the thief, whose countenance is, perhaps, not a little altered by his subsequent situation, and who takes care as much as possible he can, by every alteration of dress, and otherwise, to disguise himself?

And if the evidence of the accomplice be so unlikely to be confirmed by the oath of the prosecutor, what other means of confirmation can be found? for as to his character, if he himself doth not call witnesses to support it (which in this instance is not incumbent on him to do), you are not at liberty to impeach it: the greatest and most known villain in England, standing at the bar equally *rectus in curia* with the man of highest estimation, if they should be both accused of the same crime.

Unless therefore the robbers should be so unfortunate as to be apprehended in the fact (a circumstance which their numbers, arms, &c., renders ordinarily impossible) no such corroboration can possibly be had; but the evidence of the accomplice standing alone and unsupported, the villain, contrary to the opinion and almost direct knowledge of all present, is triumphantly acquitted, laughs at the court, scorns the law, vows revenge against his prosecutors, and returns to his trade with a great increase of confidence, and commonly of cruelty.

In a matter therefore of so much concern to the public I shall be forgiven if I venture to offer my sentiments.

The words of my Lord Hale are these: "Though a *particeps criminis* be admissible as a witness in law, yet the credibility of his testimony is to be left to the jury; and truly it would be hard to take away the life of any person upon such a witness that swears to save his own, and yet confesseth himself guilty of so great a crime, unless there be also very considerable circumstances, which may give the greater credit to what he swears."[1]

Here I must observe, that this great man seems rather to complain of the hardship of the law, in taking away the life of a criminal on the testimony of an accomplice,

[1] Hale's Hist. vol. i. 305.

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than to deny that the law was so. This indeed he could not well do; for not only the case of an approver, as he himself seems to acknowledge, but many later resolutions would have contradicted that opinion.

Secondly, He allows that the credibility of his testimony is to be left to the jury; and so is the credibility of all other testimonies. They are absolute judges of the fact; and God forbid that they should in all cases be tied down by positive evidence against a prisoner, though it was not delivered by an accomplice.

But surely, if the evidence of an accomplice be not sufficient to put the prisoner on his defence, but the jury are directed to acquit him, though he can produce no evidence on his behalf, either to prove an *alibi* or to his character, the credibility of such testimony cannot well be said to be left to a jury. This is virtually to reject the competency of the witness; for to say the law allows him to be sworn, and yet gives no weight to his evidence, is, I apprehend, a mere play of words, and conveys no idea.

In the third place, this great man asserts the hardship of such conviction.—Now if the evidence of a supposed accomplice should convict a man of fair and honest character; it would, I confess, be hard; and it is a hardship of which, I believe, no experience can produce any instance. But if, on the other hand, the testimony of an accomplice with every circumstance of probability attending it against a vagabond of the vilest character, and who can produce no single person to his reputation, is to be absolutely rejected, because there is no positive proof to support it; this, I think, is in the highest degree hard (I think I have proved how hard) to the society.

I shall not enter here into a disquisition concerning the nature of evidence in general; this being much too large a field; nor shall I examine the utility of those rules which our law prescribes on this head. Some of these rules might perhaps be opened a little wider than they are without either mischief or inconvenience; and I am the bolder in the assertion as I know a very learned judge who concurs

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with this opinion. There is no branch of the law more bulky, more full of confusion and contradiction, I had almost said of absurdity, than the law of evidence as it now stands.

One rule of this law is, that no man interested shall be sworn as a witness. By this is meant pecuniary interest; but are mankind governed by no other passion than avarice? Is not revenge the sweetest morsel, as a divine calls it, which the devil ever dropped into the mouth of a sinner? Are not pride, hatred, and the other passions, as powerful tyrants in the mind of man; and is not the interest which these passions propose to themselves by the enjoyment of their object, as prevalent a motive to evil as the hope of any pecuniary interest whatever?

But, to keep more closely to the point—Why shall not any credit be given to the evidence of an accomplice?—My Lord Hale tells us, that he hath been guilty of a great crime: and yet, if he had been convicted and burnt in the hand, all the authorities tell us that his credit had been restored: a more miraculous power of fire than any which the Royal Society can produce. The same happens if he be pardoned.

Again, says Lord Hale, he swears to save his own life. This is not altogether so; for when once a felon hath impeached his companions, and is admitted an evidence against them, whatever be the fate of his evidence, the impeacher always goes free. To this, it is true, he hath no positive title, no more hath he, if a single felon be convicted on his oath. But the practice is as I mention, and I do not remember any instance to the contrary.

But what inducement hath the accomplice to perjure himself; or what reason can be assigned why he should be suspected of it? That he himself was one of the robbers appears to a demonstration; and that he had accomplices in the robbery is as certain. Why then should he be induced to impeach A and B, who are innocent, and not C and D, who are guilty? Must he not think that he hath a better chance of convicting the guilty than the innocent? Is he

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not liable if he gives a false information to be detected in it? One of his companions may be discovered and give a true information, what will then become of him and his evidence? And why should he do this? From a motive of friendship? Do the worst of men carry this passion so much higher than is common with the best? But he must not only run the risk of his life but of his soul too. The very mention of this latter risk may appear ridiculous when it is considered of what sort of persons I am talking. But even these persons can scarce be thought so very void of understanding as to lose their souls for nothing, and to commit the horrid sins of perjury and murder without any temptation, or prospect of interest, nay, even against their interest. Such characters are not to be found in history, nor do they exist any where but in distempered brains, and are always rejected as monsters when they are produced in works of fiction: for surely we spoil the verse rather than the sense by saying, *nemo* gratis *fuit turpissimus*. Under such circumstances, and under the caution of a good judge and the tenderness of an English jury, it will be the highest improbability that any man should be wrongly convicted; and utterly impossible to convict an honest man: for I intend no more than that such evidence shall put the prisoner on his defence, and oblige him either to controvert the fact by proving an *alibi*, or by some other circumstance; or to produce some reputable person to his character. And this brings me to consider the second fortress of the criminal, in the hardiness of his own evidence.

The usual defence of a thief, especially at the Old Bailey, is an *alibi*;[1] to prove this by perjury is a common act of Newgate friendship; and there seldom is any difficulty in procuring such witnesses. I remember a felon within this twelvemonth to have been proved to be in Ireland at the time when the robbery was sworn to have been done in London, and acquitted; but he was scarce gone from the bar, when the witness was himself arrested for a robbery committed in London, at that very time when he swore

[1] *i.e.* That he was at another place at the time.

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both he and his friend were in Dublin; for which robbery, I think, he was tried and executed. This kind of defence was in a great measure defeated by the late Baron Thompson, when he was Recorder of London, whose memory deserves great honour for the services he did the public in that post. These witnesses should always be examined with the utmost care and strictness, by which means the truth (especially if there be more witnesses than one to the pretended fact) will generally be found out. And as to character, though I allow it to have great weight, if opposed to the single evidence of an accomplice, it should surely have but little where there is good and strong proof of the fact; and none at all unless it comes from the mouths of persons who have themselves some reputation and credit.

SECTION X.

OF THE ENCOURAGEMENT GIVEN TO ROBBERS BY FREQUENT PARDONS.

I COME now to the sixth encouragement to felons, from the hopes of a pardon, at least with the condition of transportation.

This I am aware is too tender a subject to speak to. To pardon all crimes where the prosecution is in his name, is an undoubted prerogative of the king. I may add, it is his most amiable prerogative, and that which, as Livy observes,[1] renders kingly government most dear to the people: for in a republic there is no such power. I may add farther, that it seems to our excellent sovereign to be the most favourite part of his prerogative, as it is the only one

[1] Dec. 1. l. ii. cap. 3. "Esse gratiæ locum, esse beneficio; et irasci et ignoscere posse (*Regem scilicet*); inter amicum atque inimicum discrimen nosse: leges, rem surdam, inexorabilem esse," &c.

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which hath been carried to its utmost extent in the present reign.

Here therefore I beg to direct myself only to those persons who are within the reach of his majesty's sacred ear. Such persons, will, I hope, weigh well what I have said already on the subject of false compassion, all which is applicable on the present occasion: and since our king (as was with less truth said of another[1]) *is of all men the truest image of his Maker in mercy*, I hope too much good-nature will transport no nobleman so far as it did once a clergyman in Scotland, who in the fervour of his benevolence prayed to God that he would graciously be pleased to pardon the poor devil.

To speak out fairly and honestly,[2] though mercy may appear more amiable in a magistrate, severity is a more wholesome virtue; nay, severity to an individual may, perhaps, be in the end the greatest mercy, not only to the public in general, for the reason given above, but to many individuals for the reasons to be presently assigned.

To consider a human being in the dread of a sudden and violent death: to consider that his life or death depend on your will; to reject the arguments which a good mind will officiously advance to itself; that violent temptations, necessity, youth, inadvertency, have hurried him to the commission of a crime which hath been attended with no inhumanity; to resist the importunities, cries, and tears, of a tender wife and affectionate children, who, though innocent, are to be reduced to misery and ruin by a strict adherence to justice:—these altogether form an object which whoever can look upon without emotion must have a very bad mind; and whoever, by the force of reason, can conquer that emotion, must have a very strong one.

And what can reason suggest on this occasion? First, That by saving this individual I shall bring many others into the same dreadful situation. That the passions of the man are to give way to the principles of the magistrate. Those may lament the criminal, but these must condemn him. It was nobly said by Bias to one who admired at his

[1] By Dryden of Charles II.

[2] Disc. l. iii. c. 3.

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shedding tears while he passed sentence of death, "Nature exacts my tenderness, but the law my rigour." The elder Brutus[1] is a worthy pattern of this maxim; an example, says Machiavel, most worthy of being transmitted to posterity. And Dionysius Halicarnassus[2] calls it a *great and wonderful action, of which the Romans were proud in the most extraordinary degree.* Whoever derives it therefore from the want of humane and paternal affections is unjust; no instances of his inhumanity are recorded. "But the severity," says Machiavel, "was not only profitable but necessary," and why? Because a single pardon granted *ex mera gratiâ et favore*, is a link broken in the chain of justice, and takes away the concatenation and strength of the whole. The danger and certainty of destruction are very different objects, and strike the mind with different degrees of force. It is of the very nature of hope to be sanguine, and it will derive more encouragement from one pardon than diffidence from twenty executions.

It is finely observed by Thucydides,[3] "That though civil societies have allotted the punishment of death to many crimes, and to some of the inferior sort, yet hope inspires men to face the danger; and no man ever came to a dreadful end who had not a lively expectation of surviving his wicked machinations."—Nothing certainly can more contribute to the raising of this hope than repeated examples of ill-grounded clemency; for, as Seneca says, *ex clementiâ omnes idem sperant.*[4]

Now what is the principal end of all punishment? is it not, as Lord Hale[5] expresses it, "To deter men from the breach of laws, so that they may not offend, and so not suffer at all? And is not the inflicting of punishment more for

[1] He put his two sons to death for conspiring with Tarquin. Neither Livy nor Dionysius give any character of cruelty to Brutus; indeed the latter tells us that he was superior to all those passions which disturb human reason. Τῶν ἐπιτάραττοντων τοὺς λογισμοὺς παθῶν κάρτερος.

[2] Page 272, edit. Hudson.

[3] Page 174, edit. Hudson.

[4] De Clementia, lib. i. c. i.

[5] Hale's Hist. vol. i. p. 13.

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example, and to prevent evil, than to punish?" And therefore, says he, presently afterwards, "Death itself is necessary to be annexed to laws in many cases by the prudence of lawgivers, though possibly beyond the single merit of the offence simply considered." No man indeed of common humanity or common sense can think the life of a man and a few shillings to be of an equal consideration, or that the law in punishing theft with death proceeds (as perhaps a private person sometimes may) with any view to vengeance. The terror of the example is the only thing proposed, and one man is sacrificed to the preservation of thousands.

If therefore the terror of this example is removed (as it certainly is by frequent pardons) the design of the law is rendered totally ineffectual; the lives of the persons executed are thrown away, and sacrificed rather to the vengeance than to the good of the public, which receives no other advantage than by getting rid of a thief, whose place will immediately be supplied by another. Here then we may cry out with the poet:[1]

——"*Sævior ense*
Parcendi rabies ——————"

This I am confident may be asserted, that pardons have brought many more men to the gallows than they have saved from it. So true is that sentiment of Machiavel, that examples of justice are more merciful than the unbounded exercise of pity.[2]

SECTION XI.

OF THE MANNER OF EXECUTION.

BUT if every hope which I have mentioned fails the thief: if he should be discovered, apprehended, prosecuted, convicted, and refused a pardon; what is his situation then? Surely

[1] Claudian.

[2] In his Prince.

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most gloomy and dreadful, without any hope and without any comfort. This is, perhaps, the case with the less practised, less spirited, and less dangerous rogues; but with those of a different constitution it is far otherwise. No hero sees death as the alternative which may attend his undertaking with less terror, nor meets it in the field with more imaginary glory. Pride, which is commonly the uppermost passion in both, is in both treated with equal satisfaction. The day appointed by law for the thief's shame is the day of glory in his own opinion. His procession to Tyburn, and his last moments there, all are triumphant; attended with the compassion of the meek and tender-hearted, and with the applause, admiration, and envy, of all the bold and hardened. His behaviour in his present condition, not the crimes, how atrocious soever, which brought him to it, are the subject of contemplation. And if he hath sense enough to temper his boldness with any degree of decency, his death is spoken of by many with honour, by most with pity, and by all with approbation.

How far such an example is from being an object of terror, especially to those for whose use it is principally intended, I leave to the consideration of every rational man; whether such examples as I have described are proper to be exhibited must be submitted to our superiors.

The great cause of this evil is the frequency of executions: the knowledge of human nature will prove this from reason; and the different effects which executions produce in the minds of the spectators in the country, where they are rare, and in London, where they are common, will convince us by experience. The thief who is hanged to-day hath learned his intrepidity from the example of his hanged predecessors, as others are now taught to despise death, and to bear it hereafter with boldness, from what they see to-day.

One way of preventing the frequency of executions is by removing the evil I am complaining of: for this effect in time becomes a cause; and greatly increases that very evil from which it first arose. The design of those who first appointed executions to be public, was to add the punishment of shame

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to that of death; in order to make the example an object of greater terror. But experience has shown us that the event is directly contrary to this intention. Indeed, a competent knowledge of human nature might have foreseen the consequence. To unite the ideas of death and shame is not so easy as may be imagined; all ideas of the latter being absorbed by the former. To prove this, I will appeal to any man who hath seen an execution, or a procession to an execution; let him tell me, when he hath beheld a poor wretch, bound in a cart, just on the verge of eternity, all pale and trembling with his approaching fate, whether the idea of shame hath ever intruded on his mind? much less will the bold daring rogue, who glories in his present condition, inspire the beholder with any such sensation.

The difficulty here will be easily explained, if we have recourse to the poets (for the good poet and the good politician do not differ so much as some who know nothing of either art affirm, nor would Homer or Milton have made the worst legislators of their times): the great business is to raise terror; and the poet will tell you that admiration, or pity, or both, are very apt to attend whatever is the object of terror in the human mind. That is very useful to the poet, but very hurtful on the present occasion to the politician, whose art is to be here employed to raise an object of terror, and at the same time, as much as possible, to strip it of all pity and all admiration.

To effect this, it seems that the execution should be as soon as possible after the commission and conviction of the crime; for if this be of an atrocious kind, the resentment of mankind being warm, would pursue the criminal to his last end, and all pity for the offender would be lost in detestation of the offence. Whereas, when executions are delayed so long as they sometimes are, the punishment and not the crime is considered; and no good mind can avoid compassionating a set of wretches who are put to death we know not why, unless, as it almost appears, to make a holiday for, and to entertain, the mob.

Secondly. It should be in some degree private. And here

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the poets will again assist us. Foreigners have found fault with the cruelty of the English drama, in representing frequent murders upon the stage. In fact, this is not only cruel but highly injudicious: a murder behind the scenes, if the poet knows how to manage it, will affect the audience with greater terror than if it was acted before their eyes. Of this we have an instance in the murder of the king in Macbeth, at which, when Garrick acts the part, it is scarce an hyperbole to say I have seen the hair of an audience stand on end. Terror hath, I believe, been carried higher by this single instance than by all the blood which hath been spilt on the stage.—To the poets I may add the priests, whose politics have never been doubted. Those of Egypt in particular, where the sacred mysteries were first devised, well knew the use of hiding from the eyes of the vulgar what they intended should inspire them with the greatest awe and dread. The mind of man is so much more capable of magnifying than his eye, that I question whether every object is not lessened by being looked upon; and this more especially when the passions are concerned: for these are ever apt to fancy much more satisfaction in those objects which they affect, and much more of mischief in those which they abhor, than are really to be found in either.

If executions therefore were so contrived that few could be present at them, they would be much more shocking and terrible to the crowd without doors than at present, as well as much more dreadful to the criminals themselves, who would thus die in the presence only of their enemies; and where the boldest of them would find no cordial to keep up his spirits, nor any breath to flatter his ambition.

Thirdly. The execution should be in the highest degree solemn. It is not the essence of the thing itself, but the dress and apparatus of it which makes an impression on the mind, especially on the minds of the multitude, to whom beauty in rags is never a desirable, nor deformity in embroidery a disagreeable, object.

Montaigne, who of all men, except Aristotle, seems best to have understood human nature, inquiring into the causes

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why death appears more terrible to the better sort of people than to the meaner, expresses himself thus: "I do verily believe, that it is those terrible ceremonies and preparations wherewith we set it out that more terrify us than the thing itself; a new and contrary way of living, the cries of mothers, wives, and children, the visits of astonished and afflicted friends, the attendance of pale and blubbered servants, a dark room set round with burning tapers, our beds environed with physicians and divines, in fine, nothing but ghastliness and horror round about us, render it so formidable that a man almost fancies himself dead and buried already."[1]

"If the image of death," says the same author, "was to appear thus dreadful to an army they would be an army of whining milksops; and where is the difference but in the apparatus? Thus in the field (I may add at the gallows) what is encountered with gaiety and unconcern, in a sick bed becomes the most dreadful of all objects."

In Holland the executions (which are very rare) are incredibly solemn. They are performed in the area before the stadthouse, and attended by all the magistrates. The effect of this solemnity is inconceivable to those who have not observed it in others or felt it in themselves; and to this perhaps, more than to any other cause, the rareness of executions in that country is owing.

Now the following method which I shall venture to prescribe, as it would include all the three particulars of celerity, privacy, and solemnity, so would it, I think, effectually remove all the evils complained of, and which at present attend the manner of inflicting capital punishment.

Suppose then that the court at the Old Bailey was, at the end of the trials, to be adjourned during four days; that against the adjournment day a gallows was erected in the area before the court; that the criminals were all brought down on that day to receive sentence; and that this was executed the very moment after it was pronounced, in the sight and presence of the judges.

Nothing can, I think, be imagined (not even torture, which

[1] Montaigne, Essay 19.

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I am an enemy to the very thought of admitting) more terrible than such an execution; and I leave it to any man to resolve himself upon reflection, whether such a day at the Old Bailey or a holiday at Tyburn would make the strongest impression on the minds of every one.

Thus I have, as well as I am able, finished the task which I proposed: have endeavoured to trace the evil from the very fountain-head, and to show whence it originally springs, as well as all the supplies it receives, till it becomes a torrent, which at present threatens to bear down all before it.

And here I must again observe, that if the former part of this treatise should raise any attention in the legislature, so as effectually to put a stop to the luxury of the lower people, to force the poor to industry, and to provide for them when industrious, the latter part of my labour would be of very little use; and indeed all the pains which can be taken in this latter part, and all the remedies which can be devised, without applying a cure to the former, will be only of the palliative kind, which may patch up the disease, and lessen the bad effects, but never can totally remove it.

Nor, in plain truth, will the utmost severity to offenders be justifiable unless we take every possible method of preventing the offence. *Nemo ad supplicia exigenda provenit, nisi qui remedia consumpsit,* says Seneca,[1] where he represents the governors of kingdoms in the amiable light of parents. The subject as well as the child should be left without excuse before he is punished; for in that case alone the rod becomes the hand either of the parent or the magistrate.

All temptations therefore are to be carefully moved out of the way; much less is the plea of necessity to be left in the mouth of any. This plea of necessity is never admitted in our law; but the reason of that is, says Lord Hale, because it is so difficult to discover the truth. Indeed that it is not always certainly false is a sufficient scandal to our polity; for what can be more shocking than to see an industrious poor creature, who is able and willing to labour,

[1] De Clementia, lib. ii. Fragm.

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forced by mere want into dishonesty, and that in a nation of such trade and opulence?

Upon the whole, something should be, nay, must be done, or much worse consequences than have hitherto happened are very soon to be apprehended. Nay, as the matter now stands, not only care for the public safety, but common humanity, exacts our concern on this occasion; for that many cart-loads of our fellow-creatures are once in six weeks carried to slaughter is a dreadful consideration; and this is greatly heightened by reflecting, that, with proper care and proper regulations, much the greater part of these wretches might have been made not only happy in themselves, but very useful members of society, which they now so greatly dishonour in the sight of all Christendom.

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THE PREFACE

TO

DAVID SIMPLE

As so many worthy persons have, I am told, ascribed the honour of this performance to me, they will not be surprised at seeing my name to this preface: nor am I very insincere, when I call it an honour, for if the authors of the age are amongst the number of those who conferred it on me, I know very few of them to whom I shall return the compliment of such a suspicion.

I could indeed have been very well content with the reputation, well knowing that some writings may be justly laid to my charge of a merit greatly inferior to that of the following work; had not the imputation directly accused me of falsehood, in breaking a promise, which I have solemnly made in print, of never publishing even a pamphlet without setting my name to it,—a promise I have always hitherto faithfully kept; and, for the sake of men's characters, I wish all other writers were by law obliged to use the same method; but, till they are, I shall no longer impose any such restraint on myself.

A second reason which induces me to refute this untruth, is, that it may have a tendency to injure me in a profession to which I have applied with so arduous and intent a diligence that I have had no leisure, if I had inclination, to compose any thing of this kind. Indeed, I am very far from

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entertaining such an inclination: I know the value of the reward which fame confers on authors too well to endeavour any longer to obtain it; nor was the world ever more unwilling to bestow the glorious envied prize of the laurel or bays, than I should now be to receive any such garland or fool's cap. There is not, I believe (and it is bold to affirm), a single free Briton in this kingdom who hates his wife more heartily than I detest the Muses. They have, indeed, behaved to me like the most infamous harlots, and have laid many a spurious as well as deformed production at my door in all which my good friends the critics have, in their profound discernment, discovered some resemblance of the parent; and thus I have been reputed and reported the author of half the scurrility, bawdy, treason, and blasphemy, which these few last years have produced.

I am far from thinking every person, who hath thus aspersed me, had a determinate design of doing me an injury; I impute it only to an idle, childish levity, which possesses too many minds, and makes them report their conjectures as matters of fact, without weighing the proof, or considering the consequence. But, as to the former of these, my readers will do well to examine their own talents very strictly, before they are too thoroughly convinced of their abilities to distinguish an author's style so accurately as from that only to pronounce an anonymous work to be his; and as to the latter, a little reflection will convince them of the cruelty they are guilty of by such reports. For my own part, I can aver that there are few crimes of which I should have been more ashamed than of some writings laid to my charge. I am as well assured of the injuries I have suffered from such unjust imputations, not only in general character, but as they have, I conceive, frequently raised me inveterate enemies, in persons to whose disadvantage I have never entertained a single thought; nay, in men whose characters and even names have been unknown to me.

Among all the scurrilities with which I have been accused (though equally and totally innocent of every one), none ever raised my indignation so much as the Causidicade; this

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accused me not only of being a bad writer and a bad man, but with downright idiotism, in flying in the face of the greatest men of my profession. I take therefore this opportunity to protest, that I never saw that infamous paltry libel till long after it had been in print; nor can any man hold it in greater contempt and abhorrence than myself.

The reader will pardon my dwelling so long on this subject, as I have suffered so cruelly by these aspersions in my own ease, in my reputation, and in my interest. I shall, however, henceforth treat such censure with the contempt it deserves; and do here revoke the promise I formerly made; so that I shall now look upon myself at full liberty to publish an anonymous work, without any breach of faith. For though probably I shall never make any use of this liberty, there is no reason why I should be under a restraint, for which I have not enjoyed the purposed recompence.

A third, and indeed the strongest, reason which hath drawn me into print, is to do justice to the real and sole author of this little book; who, notwithstanding the many excellent observations dispersed through it, and the deep knowledge of human nature it discovers, is a young woman; one so nearly and dearly allied to me, in the highest friendship as well as relation, that if she had wanted any assistance of mine, I would have been as ready to have given it her, as I would have been just to my word in owning it; but, in reality, two or three hints which arose on the reading it, and some little direction as to the conduct of the second volume, much the greater part of which I never saw till in print, were all the aid she received from me. Indeed, I believe there are few books in the world so absolutely the author's own as this.

There were some grammatical and other errors in style in the first impression, which my absence from town prevented my correcting, as I have endeavoured, though in great haste, in this edition: by comparing the one with the other, the reader may see, if he think it worth his while, the share I have in this book as it now stands, and which amounts to little more than the correction of some small errors, which

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want of habit in writing chiefly occasioned, and which no man of learning would think worth his censure in a romance, nor any gentleman in the writings of a young woman.

And as the faults of this work want very little excuse, so its beauties want as little recommendation; though I will not say but they may sometimes stand in need of being pointed out to the generality of readers. For as the merit of this work consists in a vast penetration into human nature, a deep and profound discernment of all the mazes, windings, and labyrinths, which perplex the heart of man to such a degree that he is himself often incapable of seeing through them; and as this is the greatest, noblest, and rarest, of all the talents which constitute a genius; so a much larger share of this talent is necessary even to recognise these discoveries, when they are laid before us, than falls to the share of a common reader. Such beauties therefore in an author must be contented to pass often unobserved and untasted; whereas, on the contrary, the imperfections of this little book, which arise, not from want of genius, but of learning, lie open to the eyes of every fool who has had a little Latin inoculated into his tail; but had the same great quantity of birch been better employed, in scourging away his ill-nature, he would not have exposed it in endeavouring to cavil at the first performance of one whose sex and age entitle her to the gentlest criticism, while her merit, of an infinitely higher kind, may defy the severest. But I believe the warmth of my friendship hath led me to engage a critic of my own imagination only; for I should be sorry to conceive such a one had any real existence. If however any such composition of folly, meanness, and malevolence, should actually exist, he must be as incapable of conviction as unworthy of an answer. I shall therefore proceed to the most pleasing task of pointing out some of the beauties of this little work.

I have attempted, in my Preface to Joseph Andrews, to prove, that every work of this kind is in its nature a comic epic poem, of which Homer left us a precedent, though it be unhappily lost.

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The two great originals of a serious air, which we have derived from that mighty genius, differ principally in the action, which in the Iliad is entire and uniform; in the Odyssey, is rather a series of actions, all tending to produce one great end. Virgil and Milton are, I think, the only pure imitators of the former: most of the other Latin, as well as Italian, French, and English epic poets, choosing rather the history of some war, as Lucan and Silius Italicus; or a series of adventures, as Ariosto, &c., for the subject of their poems.

In the same manner the comic writer may either fix on one action, as the authors of Le Lutrin, the Dunciad, &c.; or on a series, as Butler in verse, and Cervantes in prose have done.

Of this latter kind is the book now before us, where the fable consists of a series of separate adventures, detached from and independent on each other, yet all tending to one great end; so that those who should object want of unity of action here, may, if they please, or if they dare, fly back with their objection in the face even of the Odyssey itself.

This fable hath in it these three difficult ingredients, which will be found on consideration to be always necessary to works of this kind, viz., that the main end or scope be at once amiable, ridiculous, and natural.

If it be said that some of the comic performances I have above mentioned differ in the first of these, and set before us the odious instead of the amiable; I answer, that is far from being one of their perfections; and of this the authors themselves seem so sensible, that they endeavour to deceive the reader by false glosses and colours, and by the help of irony at least to represent the aim and design of their heroes in a favourable and agreeable light.

I might further observe, that as the incidents arising from this fable, though often surprising, are everywhere natural (credibility not being once shocked through the whole), so there is one beauty very apparent, which hath been attributed by the greatest of critics to the greatest of poets,

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that every episode bears a manifest impression of the principal design, and chiefly turns on the perfection or imperfection of friendship; of which noble passion, from its highest purity to its lowest falsehoods and disguises, this little book is, in my opinion, the most exact model.

As to the characters here described, I shall repeat the saying of one of the greatest men in this age,—"That they were as wonderfully drawn by the writer, as they were by Nature herself." There are many strokes in Orgueil, Spatter, Varnish, Levif, the Balancer, and some others, which would have shined in the pages of Theophrastus, Horace, or La Bruyère. Nay, there are some touches which I will venture to say might have done honour to the pencil of the immortal Shakspeare himself.

The sentiments are in general extremely delicate; those particularly which regard friendship are, I think, as noble and elevated as I have anywhere met with; nor can I help remarking, that the author hath been so careful in justly adapting them to her characters, that a very indifferent reader, after he is in the least acquainted with the character of the speaker, can seldom fail of applying every sentiment to the person who utters it. Of this we have the strongest instance in Cynthia and Camilla, where the lively spirit of the former, and the gentle softness of the latter, breathe through every sentence which drops from either of them.

The diction I shall say no more of, than as it is the last and lowest perfection in a writer, and one which many of great genius seem to have little regarded; so I must allow my author to have the least merit on this head; many errors in style existing in the first edition, and some, I am convinced, remaining still uncured in this; but experience and habit will most certainly remove this objection; for a good style, as well as a good hand in writing, is chiefly learned by practice.

I shall here finish these short remarks on this little book, which have been drawn from me by those people who have very falsely and impertinently called me its author. I declare I have spoken no more than my real sentiments of

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it, nor can I see why any relation or attachment to merit should restrain me from its commendation.

The true reason why some have been backward in giving this book its just praise, and why others have sought after some more known and experienced author for it, is, I apprehend, no other than an astonishment how one so young, and in appearance so unacquainted with the world, should know so much both of the better and worse part, as is here exemplified: but, in reality, a very little knowledge of the world will afford an observer, moderately accurate, sufficient instances of evil; and a short communication with her own heart, will leave the author of this book very little to seek abroad of all the good which is to be found in human nature.

HENRY FIELDING.

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THE PREFACE

TO

THE FAMILIAR LETTERS

BETWEEN

THE PRINCIPAL CHARACTERS IN DAVID SIMPLE, AND SOME OTHERS

THE taste of the public, with regard to epistolary writing, having been much vitiated by some modern authors, it may not be amiss to premise some short matter concerning it in this place, that the reader may not expect another kind of entertainment than he will meet with in the following papers, nor impute the author's designed deviation from the common road to any mistake or error.

Those writings which are called letters may be divided into four classes. Under the first class may be ranged those letters, as well ancient as modern, which have been written by men, who have filled up the principal characters on the stage of life, upon great and memorable occasions. These have been always esteemed as the most valuable parts of history, as they are not only the most authentic memorials of facts, but as they serve greatly to illustrate the true character of the writer, and do in a manner introduce the person himself to our acquaintance.

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A second kind owe their merit not to truth, but to invention: such are the letters which contain ingenious novels, or shorter tales, either pathetic or humorous; these bear the same relation to the former as romance doth to true history; and as the former may be called short histories, so may these be styled short romances.

In the next branch may be ranked those letters which have passed between men of eminence in the republic of literature. Many of these are in high estimation in the learned world, in which they are considered as having equal authority to that which the political world allows to those of the first class.

Besides these three kinds of letters, which have all their several merits, there are two more, with which the moderns have very plentifully supplied the world, though I shall not be very profuse in my encomiums on either: these are, love letters and letters of conversation; in which last are contained the private affairs of persons of no consequence to the public, either in a political or learned consideration, or indeed in any consideration whatever.

With these two kinds of letters the French language in particular so vastly abounds, that it would employ most of the leisure hours of life to read them all; nay, I believe indeed they are the principal study of many of our fine gentlemen and ladies who learn that language.

And hence such readers have learnt the critical phrases of a familiar easy style, a concise epistolary style, &c., and these they apply to all letters whatever.

Now, from some polite modern performances, written, I suppose, by this rule, I much doubt whether these French readers have any just and adequate notion of this epistolary style, with which they are so enamoured. To say the truth, I question whether they do not place it entirely in short, abrupt, and unconnected periods; a style so easy that any man may write it, and which, one would imagine, it must be very difficult to procure any person to read.

To such critics, therefore, I would recommend Ovid, who was perhaps the ablest writer of *les lettres galantes* that ever

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lived. In his *Arte Amandi*, they will find the following rule:

——— "*præsens ut videare loqui*,"

viz. that these letters should preserve the style of conversation; and in his Epistles they will see this excellently illustrated by example. But if we are to form our idea of the conversation of some modern writers from their letters, we shall have, I am afraid, a very indifferent opinion of both.

But, in reality, this style of conversation is only proper, at least only necessary, to these, which I have called letters of conversation; and is not at all requisite, either to letters of business, which in after-ages make a part of history, or to those on the subject of literature and criticism.

Much less is it adapted to the novel or story writer; for what difference is there, whether a tale is related this or any other way? And sure no one will contend, that the epistolary style is in general the most proper to a novelist, or that it hath been used by the best writers of this kind.

It is not my purpose here to write a large dissertation on style in general, nor to assign what is proper to the historian, what to the romance, and what to the novel writer, nor to observe in what manner all these differ from each other; it is sufficient to have obviated an objection, which I foresaw might be made to these little volumes by some, who are in truth as incapable of knowing any of the faults, as of reaping any of the beauties of an author; and I assure them, there is no branch of criticism in which learning, as well as good sense, is more required than to the forming an accurate judgment of style, though there is none, I believe, in which every trifling reader is more ready to give his decision.

Instead of laying down any rules for the use of such tyros in the critical art, I shall recommend them to one who is master of style, as of every other excellence. This gentleman, in his Persian Letters, many of which are written on the most important subjects in ethics, politics, and philosophy, hath condescended to introduce two or three novels: in these

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they will find that inimitable writer very judiciously changing the style which he uses on other occasions, where the subjects of his letters require the air and style of conversation; to preserve which, in relating stories that run to any length, would be faulty in the writer and tiresome to the reader.

To conclude this point, I know not of any essential difference between this and any other way of writing novels, save only, that by making use of letters the writer is freed from the regular beginnings and conclusions of stories, with some other formalities, in which the reader of taste finds no less ease and advantage than the author himself.

As to the matter contained in the following volumes, I am not perhaps at liberty to declare my opinion: relation and friendship to the writer may draw upon me the censure of partiality, if I should be as warm as I am inclined to be in their commendation.

The reader will however excuse me, if I advise him not to run them over with too much haste and indifference; such readers will, I promise them, find little to admire in this book, whose beauties (if it have any) require the same attention to discover them with which the author herself hath considered that book of Nature whence they are taken. In books, as well as pictures, where the excellence lies in the expression or colouring only, the first glance of the eye acquaints us with all the perfections of the piece: but the nicest and most delicate touches of nature are not so soon perceived. In the works of Cervantes or Hogarth, he is, I believe, a wretched judge, who discovers no new beauties on a second or even a third perusal.

And here I cannot control myself from averring, that many touches of this kind appear to me in these letters; some of which I cannot help thinking as fine as I have ever met with in any of the authors who have made human nature their subject.

As such observations are generally supposed to be the effects of long experience in and much acquaintance with mankind, it may perhaps surprise many to find them in the works of a woman; especially of one, who, to use the

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common phrase, hath seen so little of the world: and I should not wonder, on this account, that these letters were ascribed to another author, if I knew any one capable of writing them.

But in reality the knowledge of human nature is not learnt by living in the hurry of the world. True genius, with the help of a little conversation, will be capable of making a vast progress in this learning; and indeed I have observed, there are none who know so little of men as those who are placed in the crowds either of business or pleasure. The truth of the assertion, that pedants in colleges have seldom any share of this knowledge, doth not arise from a defect in the college, but from a defect in the pedant, who would have spent many years at St. James's to as little purpose: for daily experience may convince us, that it is possible for a blockhead to see much of the world, and know little of it.

The objection to the sex of the author hardly requires an answer: it will be chiefly advanced by those who derive their opinion of women, very unfairly, from the fine ladies of the age; whereas, if the behaviour of their counterparts, the beaus, was to denote the understanding of men, I apprehend the conclusion would be in favour of the women, without making a compliment to that sex. I can of my own knowledge, and from my own acquaintance, bear testimony to the possibility of those examples which history gives, of women eminent for the highest endowments and faculties of the mind. I shall only add an answer to the same objection, relating to David Simple, given by a lady of very high rank, whose quality is, however, less an honour to her than her understanding. "So far," said she, "from doubting David Simple to be the performance of a woman, I am well convinced it could not have been written by a man."

In the conduct of women, in that great and important business of their lives, the affair of love, there are mysteries, with which men are perfectly unacquainted: their education being on this head in constraint of, nay, in direct opposition to truth and nature, creates such a constant struggle between

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nature and habit, truth and hypocrisy, as introduce often much humour into their characters; especially when drawn by sensible writers of their own sex, who are on this subject much more capable than the ablest of ours.

I remember it was the observation of a lady, for whose opinion I have a great veneration, that there is nothing more generally unnatural than the characters of women on the stage, and that even in our best plays. If this be a fact, as I sincerely believe it is, whence can it proceed, but from the ignorance in which the artificial behaviour of women leaves us, of what really passes in their minds, and which, like all other mysteries, is known only to the initiated?

Many of the foregoing assertions will, I question not, meet with very little assent from those great and wise men, who are not only absolute masters of some poor woman's person, but likewise of her thoughts. With such opposition I must rest contented; but what I more dread is, that I may have unadvisedly drawn the resentment of her own lovely sex against the author of these volumes, for having betrayed the secrets of society.

To this I shall attempt giving two answers: first, that these nice touches will, like the signs of masonry, escape the observation and detection of all those who are not already in the secret.

Secondly, if she should have exposed some of those nicer female foibles, which have escaped most other writers, she hath at the same time nobly displayed the beauties and virtues of the more amiable part, which abundantly overbalances in the account. By comparing these together, young ladies may, if they please, receive great advantages: I will venture to say, no book extant is so well calculated for their instruction and improvement. It is indeed a glass, by which they may dress out their minds, and adorn themselves with more becoming, as well as more lasting graces, than the dancing-master, the mantua-maker, or the milliner, can give them. Here even their vanity may be rendered useful, as it may make them detest and scorn all base, mean,

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shuffling tricks, and admire and cultivate whatever is truly amiable, generous, and good. Here they must learn, if they will please to attend, that the consummation of a woman's character is to maintain the qualities of goodness, tenderness, affection, and sincerity, in the several social offices and duties of life; and not to unite ambition, avarice, luxury, and wantonness, in the person of a woman of the world, or to affect folly, childishness, and levity, under the appellation of a fine lady.

To conclude, I hope, for the sake of my fair country-women, that these excellent pictures of virtue and vice, which, to my knowledge, the author hath bestowed such pains in drawing, will not be thrown away on the world; but that much more advantage may accrue to the reader, than the good-nature and sensibility of the age have, to their immortal honour, bestowed on the author.

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A FRAGMENT OF A COMMENT

ON

LORD BOLINGBROKE'S ESSAYS

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A FRAGMENT OF A COMMENT

ON

LORD BOLINGBROKE'S ESSAYS

I MUST confess myself to be one of those who brought with me to the perusal of the late published volumes of Lord Bolingbroke a very high prejudice to the doctrines said to have been established in them; but, at the same time, can as truly assert, that I had the highest and strongest prepossession in favour of the abilities of the author. Such, indeed, was this prepossession, that it might, I think, be a sufficient warrant of a man's candour against any prejudice whatever; and it is in the true spirit of this candour that I declare, upon the perusal, I have found my prepossessions greatly abated, and my prejudices not in the least removed.

Could it therefore be supposed, that all mankind were alike able to try the cause of truth, and to form their judgment on the weight of argument and evidence only, I think there could be no danger in leaving the decision of this matter upon his lordship's own reasoning, without any attempt to answer him. But when we consider how very weak the abilities of mankind in general are in disquisitions of this nature; how much weaker they are rendered for this purpose by want of due attention; and, lastly, how apt they are to carry any little partiality which they have preconceived before the examination of a cause up to the final decision of it in their minds, it may possibly be very

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dangerous to society to suffer such pernicious doctrines to stand unobjected to with so great a name at their head. Many, I am convinced, will think the authority of this name alone sufficient to establish their own belief upon, without any farther inquiry at all. Many others will imagine very little inquiry necessary, and, though they did not entirely acquiesce in taking his word, will be easily cajoled with his reasons, which, however little they may have of substance, have much of the specious ornaments of wit and language, with all the allurements of novelty both of style and manner; and, finally, with an appearance, at least, of reading very singular and extensive.

From which last particular may arise a third sort very worthy of receiving some assistance on this occasion; such, I mean, as have not the least inclination to his lordship's doctrines, nor would, indeed, assent to them on the authority of any man breathing, who may yet have wanted leisure or opportunity sufficient to provide themselves with a proper fund of knowledge, to give a ready answer to various assertions which will occur in the works now under consideration, and which, though they have the worst of tendencies, have in reality themselves no better support (and not always so good a one) than some very weak and slender hypotheses, and are at other times built on the revival of old chimerical principles which have been confuted and exploded long ago.

Now to all these different constitutions we shall endeavour to apply our several antidotes. And here, luckily for us, we are provided with an argument which must most effectually silence those who are the most difficult of all others to be usually dealt with in the way of reasoning; such are the persons I mentioned in the first class, who believe from authority only, and who have not yet, with the schools, given up the irresistible argument of "he himself said it."

The force of this argument, however, even in the days when it flourished most, drew all its strength from a supposition that if he himself said it, he himself believed

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it: for, if it could have been proved of Aristotle that he had asserted *pro* and *con*, and had, with the same clearness, affirmed in one part of his works the same thing to be, and in another the same thing not to be, none of his scholars would have known which he believed, and all others would, perhaps, have thought that he had no belief at all in, nor indeed any knowledge of, the matter.

If, therefore, his lordship shall appear to have made use of this duplicity of assertion, and that not in one or two but in many instances, may we not draw the like conclusions? Luckily, perhaps, for his lordship, we may not be driven to the same absolute degree of uncertainty as must have resulted from the case of Aristotle, as I have put it above; since our noble author himself seems to have left us a kind of clue, which will sufficiently lead to the discovery of his meaning, and will show us as often as he is pleased to assert both sides of a contradiction on which side we are to believe him.

And here I shall premise two cautions: one of which I shall borrow from the rules established among writers; the reasonableness of the other I shall endeavour to evince from a rule given us by one of the greatest lawyers whom this kingdom ever bred.

The first is, that of interpreting the sense of an author with the utmost candour, so as not to charge him with any gross and invidious meaning when his words are susceptible of a much more benign and favourable sense.

The second is, the observation formed upon the works of Judge Lyttelton by Lord Chief Justice Coke; that is, that whenever that great lawyer is pleased to put down two opinions directly contradicting each other, that the latter opinion is always the best, and always his own.

To apply these to the present purpose, I first of all recommend to the candour of the reader, that whenever he shall find two assertions directly contrary to each other (and many such we do promise to produce him) one of which directly tends to take away all religion whatever, and the other as directly to establish natural religion at least, that

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he will be so kind, since it is impossible that my lord should have believed both, to imagine that he rather believed the latter; especially as this latter, from its contradicting the apparent purpose of the author, appears to have been last set down; and, consequently, will have my Lord Coke's sanction in favour of the superior authority.

Lastly, if it should ever happen that his lordship's sentiments should be more clearly expressed in favour of the worse than of the better doctrine, we will endeavour all that in us lies to explain and illustrate those hints; by which, we trust, he will always assist a careful and accurate examiner in rescuing the esoteric purity of his doctrines from that less amiable appearance in which their exoteric garb represents them.

In short, we doubt not but to make it appear as a fact beyond all contest, that his lordship was in jest through the whole work which we have undertaken to examine. If an inflamed zealot should in his warmth compare such jesting to his in the Psalmist; or if a cooler disposition should ask how it was possible to jest with matters of such importance; I confess I have no defence against the accusation, nor can I give any satisfactory answer to the question. To this, indeed, I could say, and it is all that I could say, that my Lord Bolingbroke was a great genius, sent into the world for great and astonishing purposes. That the ends, as well of means of action in such personages, are above the comprehension of the vulgar. That his life was one scene of the wonderful throughout. That, as the temporal happiness, the civil liberties and properties, of Europe, were the game of his earliest youth, there could be no sport so adequate to the entertainment of his advanced age as the eternal and final happiness of all mankind. That this is the noblest conservation of character, and might, if perceived in himself, possibly lead our great genius to see the Supreme Being in the light of a dramatic poet, and that part of his works which we inhabit as a drama. "The sensitive inhabitants of our globe," says Lord Bolingbroke,[1] "like the *dramatis*

[1] Vol. v. p. 377.

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personæ, have different characters, and are applied to different purposes of action in every scene. The several parts of the material world, like the machines of a theatre, were contrived not for the actors but for the action; and the whole order and system of the drama would be disordered and spoiled if any alteration was made in either. The nature of every creature, his manner of being, is adapted to his state here, to the place he is to inhabit, and, as we may say, to the part he is to act." It hath been, I think, too common with the poets to aggrandise their profession with such kind of similes, and I have, somewhere in an English dramatic writer, met with one so nearly resembling the above, that his lordship might be almost suspected to have read it likewise; but such conceits are inconsistent with any (even the least) pretence to philosophy. I recollect, indeed, a single instance, in the writings of Jordano Bruno, who was burnt at Rome for heresy, or, if we believe Scioppius, for most horrid blasphemy, the latter end of the fifteenth century; and who, from a want of a due correspondence between the passive powers of matter and the active power of God, compares the Supreme Being to a fiddler who hath skill to play, but cannot for the want of a fiddle. This, it must be confessed, is going somewhat farther; as much farther, in reality, as to descend from the stage to the orchestra. This ludicrous treatment of the Being so universally (for half a dozen madmen must not be allowed to strip any opinion of universality) acknowledged to be the cause of all things, whilst it sounds so ill in the grave voice of reason, very well becomes the lips of a droll: for novelty, boldness, and even absurdity, as they all tend to surprise, do often give a poignancy to wit, and serve to enhance a jest. This affords a second reason why we may suspect his lordship was not over-serious in the work before us.

Thirdly, that his lordship never thought proper to revise this performance, is a very strong argument that he could not be in earnest, either in believing himself in his own doctrines, or in endeavouring to imprint such a belief on others. That he did not in fact revise his works is manifest,

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from the numerous contradictions that occur in them, and these often in the same page; so that, for the most part, they could not escape the dullest and bluntest degree of penetration; surely we cannot impute the repeated oversights to one who hath so explicitly asserted, That to be liable to contradict yourself, is to be liable to one of the greatest of human imperfections![1] An author, in the first hurry of setting down his thoughts on a subject which warms him, may possibly, indeed, assert two opinions not perfectly reconcilable with each other; nay, there are some writers from whom we can reasonably expect no less, since, as Archbishop Tillotson observes, it is hard to contradict truth and nature without contradicting one's-self. But to expunge such mistakes is the office of revisal and correction; and therefore a work in which these mistakes abound is very justly called an incorrect performance. As this work therefore doth, more than any which I ever saw, afford us instances of what his lordship calls the greatest human imperfection, charity shows me no more candid way of accounting for them than this which I have mentioned.

Lastly, the very form and title, under which the noble lord hath thought proper to introduce his philosophy into the world, is a very strong evidence of the justice of all the foregoing observations. We may form, I think, one general precept from the trite story of Archimedes; this is, not to undertake any great work without preconcerting such means as may be adequate to the execution. Now to turn the material world topsy-turvy is a project scarce more difficult in appearance, than to perform the same notable exploit in the intellectual. And yet Archimedes might as judiciously have fixed his machine *in vacuo*, as his lordship hath chosen to argue against the best-established systems in the intellectual world in fragments of essays. This method, not to mention the indignity it offers to the subject in dispute, is treating the whole body of the learned with more supercilious disrespect than nature seems yet to have qualified

[1] Essays, p. 181.

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any member of that body to express towards the rest of his brethren; and which must appear to be wonderful, if serious, in one who expresses so modest an opinion of his own critical talents; though, as to his modesty, it must indeed be confessed to be somewhat seasoned with a due mixture of contempt.

But, whatever may lessen the idea of his lordship's modesty, there is only one way to lessen that of his absurdity; this is, to conclude that he was in jest: nay, there is one way to see this absurdity in an amiable light; for in such a light will he appear, if we suppose that he puts on the jack-pudding's coat, with the noble view of exposing and ridiculing those pernicious tenets, which have lately been propagated, with a zeal more difficult to be accounted for than its success.

That such an attempt of exposing any popular error would always prove victorious, is, I think, extremely probable. My Lord Shaftesbury hath been blamed for saying, "That ridicule is one of those principal lights or natural mediums by which things are to be viewed, in order to a thorough recognition; for that truth, it is supposed, may bear all lights."[1] Perhaps there may be some justice in this censure, as truth may by such a trial be subjected to misrepresentation, and become a more easy prey to the malice of its enemies; a flagrant instance of which we have in the case of Socrates.

But whatever objection there may be against trying truth by ridicule, there can be none, I apprehend, of making use of its assistance in expelling and banishing all falsehood and imposture, when once fairly convicted, out of society; and as this method is for this purpose very unexceptionable, so is it generally the most efficacious that can be invented; as will appear by some examples which will occur in the course of our comment on his lordship's essays, or fragments of essays, on which we shall now enter without farther preface or apology.

[1] Essay on the Freedom of Wit and Humour, part I. sect. i.

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SECTION I.

AND here, as a proof that we are as liable to be corrupted by our books as by our companions, I am in danger of setting out with a contradiction. Nay, I must yet venture to do this in some degree with my eyes open, and must lay my defence on a distinction rather too nice, and which relies too much on the candour of my reader.

The truth is, our noble author's chief strength lies in that very circumstance which I have before asserted to be of itself alone a sufficient argument of his weakness; whereas, on the contrary, his manner affords such a protection to his matter, that if he had designed to reserve to himself the sole privilege of answering his own doctrine, he could not have invented a more ingenious or effectual contrivance. It hath been alleged as a good reason for not answering certain books, that one must be obliged first to read them; but surely we shall find few men so very charitable, or so much our friends, as to give them order and method with a view only of complimenting them with an answer.

This, however, I attempted, though I own with no great success; and that not so much, I apprehend, from want of sufficient matter to make out such colourable systems as may be expected in such a writer, as from a certain dark, cautious, and loose manner of expressing his sentiments, which must arise either from a writer's desire of not being very easily explained, or from an incapacity of making himself very clearly understood. The difficulties arising to the commentator on these fragments, will appear to be assignable only to the former cause: for a very indifferent reader will be seldom at a loss in comprehending his lordship in his own works; but to transfer his doctrines with their authority (*i.e.* the *ipse dixit* of the author) into another work is often very difficult, and without long quotations, too apt

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to tire the reader, impossible. In this light a very fine thought of Mr. Pope's occurs to my memory.

> "Tho' index-learning turns no student pale,
> It holds the eel of science by the tail."

The best way then of proceeding with so slippery a reasoner; the only way, indeed, in which I see any possibility of proceeding with him, is first to lay down some general rules, all of which will hereafter be proved out of his writings, and then pursuing him chapter by chapter, to extract the several proofs, however scattered and dispersed, which tend to establish both parts of the contradictions, which I shall now set down.

Our noble author sets out in his first section with a sly insinuation, that it is possible for the gravest of philosophers, on the gravest of subjects, to advance propositions in jest. "It is more probable," says Lord B———, "and it is more candid to believe, that this philosopher (Descartes) was in earnest, than that he was in jest, when he advanced this proposition,"[1] *concerning the immutability and eternity of certain mathematical truths.* I will add, that I believe that an idea of such jesting had never any footing in the human head, till it first found admission into that of this noble lord.

In the same section his lordship proceeds thus: "The ancients thought matter eternal, and assumed that the Demiurgus, or Divine Architect, composed the frame of the world with materials which were ready prepared, and independently on him, in a confused chaos. Much in the same manner such metaphysicians as the learned Cudworth have imagined a sort of intellectual chaos, a chaos of eternal ideas, of incorporeal essences, independent on God, self-existent, and therefore coeval with the Supreme Being, and therefore anterior to all other natures. In this intellectual chaos God sees, and man must endeavour to see, the natures, the real essences of things; and thus the foundations of morality are laid higher than the existence of any moral

[1] Essays, p. 4.

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agents, before there was any system of being from which the obligations to it could result, or to which they could be applied; just as the same philosophers suppose the incorporeal essences of white and black to have existed when there was no such thing as colour, and those of a square and circle, when there was neither form nor figure."[1]

Here I am afraid the learned peer hath gone no farther for his erudition than the first or second pages of Ovid's Metamorphoses; for could he be recalled from the dead, contrary to his own doctrine, as he hath recalled Descartes, and were asked whom he meant by the ancients, he could not certainly answer, in general, the ancient philosophers, for then the whole tribe of atheists would be ready to testify against him. If he should answer, that he meant the ancient theists only, and less he cannot be supposed to mean by those who are well-bred enough to suppose he meant any thing, he will be far from finding even among these an universal concurrence with his opinion. Thales, the chief of the Grecian sages, and who is said to have first turned his thoughts to physiological inquiries, affirmed the independent pre-existence of God from all eternity. The words of Laertius are remarkable, and I will render them with the most literal exactness in my power. He asserted, says Laertius, "That God was the oldest of all beings, for he existed *without a previous cause* EVEN IN THE WAY OF GENERATION; that the world was the most beautiful of all things; for *it was* CREATED BY God, &c."[2] This notion of the creation, Aristotle tells us, was agreeable to the concurrent voice of all antiquity: "All," says he, "assert the creation of the world; but they differ in this, that some will have the world susceptible of dissolution, which others deny."[3] On this occasion Aristotle names Empedocles and

[1] Essays, page 6.

[2] Diog. Laert. lib. i. sect 35, where I submit to the learned reader the construction he will observe I have given to the different import of those terms *ἀγέννητον* and *ποίημα*; the first of which may be considered as a qualified, the latter as an absolute cause.

[3] Aristot. de Cœlo, lib. i. cap. 10.

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Heraclitus, but, which is somewhat remarkable, never mentions Thales. The opinion itself is opposed by the Stagyrite; and this opposition he was forced to maintain, or he must have given up the eternity of the world, which he very justly asserts to be inconsistent with any idea of its creation. But we will dismiss the ancients from the bar, and see how his lordship will support his arraignment of the moderns. The charge against them is, that they have holden certain ideas, or incorporeal essences, to be self-existent. Concerning these doctrines his lordship thus harangues in the very same page:[1] Mr. Locke observes, how impossible "it is for us to conceive certain relations, habitudes, and connections, visibly included in some of our ideas, to be separable from them even by infinite power. Let us observe, on this occasion, how impossible, or, at least, how extremely difficult it is for us to separate the idea of eternity from certain moral and mathematical truths, as well as from such as are called necessary, and are self-evident on one hand; and, on the other, how impossible it is to conceive that truths should exist before the things to which they are relative; or particular natures and essences, before the system of universal nature, and when there was no being but the super-essential Being."[2]

If I had any inclination to cavil, I might, with truth, assert, that no such passage is to be found in Mr. Locke. His words are: "In some of our ideas there are certain relations, habitudes, and connections, so visibly included in the nature of the ideas themselves, that we cannot conceive them separable from them by any power whatsoever." It may be answered, perhaps, that the violence is done rather to the expression, than to the meaning of this truly great man; but if I should candidly admit that he seems, from the immediate context, to mean no less (I say seems to mean; for, whoever will carefully compare what is said in another part of the same book,[3] of the powers of the mind

[1] Essays, page 6.
[2] Essay on Human Understanding, l. iv. cap. 3, sect. 29.
[3] Locke's Essay, l. ii. cap. 31.

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in forming the archetypes of its complex ideas of mixed modes, may possibly think he sees sufficient reason for resolving what is here affirmed of arbitrary (not infinite) power, into the human mind only); I may yet reply, that such a violence even to the expression of such a writer on such a subject, is by no means void of blame, nor even of suspicion, when it is left without a reference to conceal itself in a large folio, where it will not be easily detected by any but those who are pretty familiarly acquainted with the original.

But it is time to close this article, which, I think, seems to establish contradiction the first; for under what other term shall we range the arguing *pro* and *con* in the same breath; for where is the force of the accusation, or, as a lawyer would call it, the gist of the indictment against poor Cudworth? is it not (to use my lord's own phrase) "the laying the foundations of morality higher than the existence of any moral agents"? And what says my lord to enforce the charge? Why, truly, he alleges in defence of the accused, that it was impossible for him to have done otherwise, and produces the authority of Mr. Locke to confirm this impossibility.

The generosity of this sudden transition from accuser to advocate would convince all men on which side his lordship had here delivered his real sentiments, was it not somewhat controlled by his having concealed from his readers, that the philosopher, a little afterwards, in the same book,[1] hath endeavoured to prove, and, I think, actually hath proved, that there is no absurdity in what my Lord Bolingbroke objects, provided the doctrine be rightly understood, so as not to establish innate principles. That the actual existence of the subjects of mathematical or moral ideas is not in the least necessary to give us a sufficient evidence of the necessity of those ideas; and that, in the disputes of the mathematician, as well as of the moralist, the existence of the subject matter is rarely called in question; nor is it

[1] Locke's Essay, lib. iv. c

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more necessary to their demonstrations and conclusions, than it would be to prove the truth of Tully's Offices, to show that there was some man who lived up to that idea of perfect goodness of which Tully hath given us a pattern. There is somewhat very mysterious in all this; but we have not promised to explain contradictions farther than by showing to which side his lordship's authority seems to incline. And surely it is better to decide in favour of possibility, and to lay the foundations of morality too high, than to give it no foundation at all.

"*Desunt cætera.*"

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THE FIRST OLYNTHIAC

OF

DEMOSTHENES

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THE FIRST OLYNTHIAC

OF

DEMOSTHENES

THE ARGUMENT.

OLYNTHUS was a powerful free city of Thrace, on the confines of Macedonia. By certain alluring offers, Philip had tempted them into an alliance with him, the terms of which were a joint war against the Athenians, and if a peace, a joint peace. The Olynthians, some time after, becoming jealous of his growing power, detach themselves from his alliance, and make a separate peace with the Athenians. Philip, exclaiming against this as a breach of their former treaty, and glad of an opportunity, which he had long been seeking, immediately declares war against them, and besieges their city. Upon this they despatch an embassy to Athens for succour. The subject of this embassy coming to be debated among the Athenians, Demosthenes gives his sentiments in the following oration.

NO treasures, O Athenians! can, I am confident, be so desirable in your eyes, as to discover what is most advantageous to be done for this city, in the affair now before you. And since it is of so important a nature, the strictest attention should be given to all those who are willing to deliver their opinions; for not only the salutary counsels which any one may have premeditated, are to be heard and received, but I consider it as peculiar to your fortune and good genius, that many things highly expedient, may suggest

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themselves to the speakers, even extemporarily, and without premeditation; and then you may easily, from the whole, collect the most useful resolutions. The present occasion wants only a tongue to declare, that the posture of these affairs requires your immediate application, if you have any regard for your preservation. I know not what disposition we all entertain; but my own opinion is, that we vote a supply of men to the Olynthians, and that we send them immediately; and thus by lending them our assistance now, we shall prevent the accidents, which we have formerly felt, from falling again on us. Let an embassy be despatched, not only to declare these our intentions, but to see them executed. For my greatest apprehension is, that the artful Philip, who well knows to improve every opportunity, by concessions, where they are most convenient, and by threats, which we may believe him capable of fulfilling, at the same time objecting our absence to our allies, may draw from the whole some considerable advantage to himself. This however, O Athenians! will give some comfort, that the very particular circumstance which adds the greatest strength to Philip is likewise favourable to us. In his own person he unites the several powers of general, of king, and of treasurer; he presides absolutely in all councils, and is constantly at the head of his army. This indeed will contribute greatly to his successes in the field, but will have a contrary effect, with regard to that truce which he is so desirous to make with the Olynthians; who will find their contention not to be for glory, nor for the enlargement of dominion; the subversion or slavery of their country is what they fight against. They have seen in what manner he hath treated those Amphipolitans who surrendered their city to him; and those Pydnæans who received him into theirs: and indeed, universally, a kingly state is, in my opinion, a thing in which republics will never trust; and above all, if their territories border on each other. These things therefore, O Athenians! being well known to you, when you enter on this debate, your resolutions must be for war, and to prosecute it with as much vigour as you have formerly

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shown on any occasion. You must resolve to raise supplies with the utmost alacrity; to muster yourselves; to omit nothing; for no longer can a reason be assigned, or excuse alleged, why you should decline what the present exigency requires. For the Olynthians, whom with such universal clamours you have formerly insisted on our fomenting against Philip, are now embroiled with him by mere accident; and this most advantageously for you; since, had they undertaken the war at your request, their alliance might have been less stable, and only to serve a present turn: but since their animosity arises from injuries offered to themselves, their hostility will be firm; as well on account of their fears, as of their resentment. The opportunity which now offers is not, O Athenians! to be lost, nor should you suffer what you have already often suffered. For had we, when we returned from succouring the Eubœans, when Hierax and Stratocles from the Amphipolitans, in this very place, besought you to sail to their assistance, and to receive their city into your protection; had we then consulted our own interest with the same zeal with which we provided for the safety of the Eubœans, we had then possessed ourselves of Amphipolis, and escaped the troubles which have since perplexed us. Again, when we were first acquainted with the sieges of Pydna, Potidæa, Methone, Pagasæ, and others (for I will not waste time in enumerating all), had we then assisted only one of these with proper vigour, we should have found Philip much humbler, and easier to be dealt with: whereas now, by constantly pretermitting the opportunities when they presented themselves, and trusting in fortune for the good success of future events, we have increased the power, O Athenians! of Philip ourselves, and have raised him higher than any king of Macedonia ever was. Now then an opportunity is come. What is it? why this which the Olynthians have of their own accord offered to this city; nor is it inferior to any of those we have formerly lost. To me, O Athenians! it appears, that if we settle a just account with the gods, notwithstanding all things are not as they ought to be, they are entitled to our

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liberal thanksgivings. For as to our losses in war, they are justly to be set down to our own neglect: but that we formerly suffered not these misfortunes, and that an alliance now appears to balance these evils, if we will but accept it: this, in my opinion, must be referred to the benevolence of the gods. But it happens as in the affair of riches, of which, I think, it is proverbially said, that if a man preserves the wealth he attains, he is greatly thankful to fortune; but if he insensibly consumes it, his gratitude to fortune is consumed at the same time. So in public affairs, if we make not a right improvement of opportunities, we forget the good offered us by the gods; for from the final event, we generally form our judgments of all that preceded. It is therefore highly necessary, O Athenians! to take effectual care, that by making a right use of the occasion now offered us, we wipe off the stains contracted by our former conduct: for should we, O Athenians! desert these people likewise, and Philip be enabled to destroy Olynthus, will any man tell me what afterwards shall stop his future progress, wherever he desires to extend it? But consider, O Athenians! and see, by what means this Philip, once so inconsiderable, is now become so great. He first became master of Amphipolis, secondly of Pydna, next of Potidæa, and then of Methone. After these conquests, he turned his arms towards Thessaly, where having reduced Phera, Pagasæ, Magnesia, he marched on to Thrace. Here, after he had dethroned some kings, and given crowns to others, he fell sick. On a small amendment of health, instead of refreshing himself with repose, he fell presently on the Olynthians. His expeditions against the Illyrians, the Pæonians, against Arymba; and who can recount all the other nations I omit? But should any man say, why therefore do you commemorate these things to us now? my answer is, that you may know, O Athenians! and sensibly perceive these two things: First, how pernicious it is to neglect the least article of what ought to be done; and, secondly, that you may discern the restless disposition of Philip to undertake, and his alacrity to execute: whence we may conclude, he will never think

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he hath done enough, nor indulge himself in ease. If then his disposition be to aim still at greater and greater conquests, and ours to neglect every brave measure for our defence; consider, in what event we can hope these things should terminate! Good gods! is there any of you so infatuated, that he can be ignorant that the war will come home to us, if we neglect it? and if this should happen, I fear, O Athenians! that we shall imitate those who borrow money at great usury, who, for a short affluence of present wealth, are afterwards turned out of their original patrimony. So we shall be found to pay dearly for our sloth; and by giving our minds entirely up to pleasure, shall bring on ourselves many and grievous calamities, against our will shall be at last reduced to a necessity of action, and to contend even for our own country. Perhaps some one may object, that to find fault is easy, and within any man's capacity; but to advise proper measures to be taken in the present exigency, is the part of a counsellor. I am not ignorant, O Athenians! that not those who have been the first causes of the misfortune, but those who have afterwards delivered their opinions concerning it, fall often under your severe displeasure, when the success doth not answer their expectations. Be that as it will, I do not so tender my own safety, that from any regard to that, I should conceal what I imagine may conduce to your welfare.

The measures you are to take are, in my opinion, two: First, to preserve the Olynthian cities, by sending a supply of men to their assistance; secondly, to ravage the country of the enemy; and this by attacking it both by sea and land. If either of these be neglected, I much fear the success of your expedition: for should he, while you are wasting his territories, by submitting to suffer this, take Olynthus: he will be easily able to return home, and defend his own. On the other hand, if you only send succours to the Olynthians; when Philip perceives himself safe at home, he will set down before Olynthus, and employing every artifice against the town, will at length master it. We must therefore assist the Olynthians with numerous forces, and in

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two several places. This is my advice concerning the manner of our assisting them. As for the supply of money to be raised; you have a treasure, O Athenians! you have a treasury fuller of money, set apart for military uses, than any other city of Greece: this fund you may apply according to your pleasure, on this occasion: if the army be supplied this way, you will want no tax: if not, you will hardly find any tax sufficient. What? says some one, do you move to have this fund applied to the army? Not I, truly; I only suggest that an army should be levied; that this fund should be applied to it; that those who do their duty to the public should receive their reward from it; whereas, in celebrating the public festivals, much is received by those who do nothing for it.

As to the rest, I think all should contribute, largely, if much wanted, less, if little. Money is wanted, and without it, nothing which is necessary to be done can be performed. Others propose other means of raising it; of which do you fix on that which seems most advantageous, and apply yourselves to your preservation, while you have an opportunity: for you ought to consider and weigh well the posture in which Philip's affairs now stand: for it appears to me, that no man, even though he hath not examined them with much accuracy, can imagine them to be in the fairest situation. He would never have entered into this war, had he thought it would have been protracted. He hoped at his very entrance to have carried all things before him, which expectation hath deceived him. This, therefore, by falling out contrary to his opinion, hath given him the first shock, and much dejected him. Then the commotions in Thessaly: for these are by nature the most perfidious of mortals, and have always proved so; as such he hath now sufficiently experienced them. They have decreed to demand Pagasæ of him, and to forbid the fortifying Magnesia. I have moreover heard it said, that the Thessalians would no longer open their ports to him, nor suffer his fleets to be victualled in their markets; for that these should go to the support of the republics of Thessaly, and not to the use of Philip.

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But should he be deprived of these, he will find himself reduced to great straits to provide for his auxiliaries. And further; can we suppose that Pæonia and Illyria, and all the other cities, will choose rather to be slaves than free and their own masters? They are not inured to bondage, and the man is, as they say, prone to insolence; which is indeed very credible; for unmerited success entirely perverts the understanding in weaker minds; whence it is often more difficult to retain advantages than it was to gain them. It is our parts then, O Athenians! to take advantage of this distress of Philip, to undertake the business with the utmost expedition; not only to despatch the necessary embassies, but to follow them with an army, and to stir up all his other enemies against him: for we may be assured of this, that had Philip the same opportunity, and the war was near our borders, he would be abundantly ready to invade us. Are you not then ashamed through fear to omit bringing that on him, when you have an opportunity, which he, had he that opportunity, would surely bring on you? Besides, let none of you be ignorant, that you have now your option, whether you shall attack him abroad, or be attacked by him at home; for if the Olynthians, by your assistance, are preserved, the kingdom of Philip will be by your forces invaded; and you may then retain your own dominions, your own city in safety; but should Philip once master the Olynthians, who would oppose his march hither? The Thebans? Let me not be thought too bitter, if I say, they would be ready to assist him against us. The Phocians? They are not able to save themselves, unless you, or some one else, will assist them. But, my friend, says one, Philip will have no desire to invade us.——I answer, it would surely be most absurd, if what he imprudently now threatens us with, he would not, when he conveniently could, perform. As to the difference, whether the war be here or there, there is, I think, no need of argument; for if it was necessary for you to be thirty days in the field within your own territories, and to sustain your army with your own product, supposing no enemy there at the same time; I say, the

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losses of your husbandmen, who supply those provisions, would be greater than the whole expense of the preceding war. But if an actual war should come to our doors, what losses must we then expect? Add to this, the insults of the enemy, and that which to generous minds is not inferior to any loss, the disgrace of such an incident. It becomes us all, therefore, when we consider all these things, to apply our utmost endeavours to expel this war from our borders; the rich, that for the many things they possess, parting with a little, they may secure the quiet possession of the rest; the young men, that having learnt experience in the art of war, at Philip's expense, in his country, they may become formidable defenders of their own; the orators, that they may be judicially vindicated in the advice they have given to the republic: since according to the success of the measures taken in consequence of their opinions, so you will judge of the advisers themselves. May this success be happy, for the sake of every one!

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PREFACE TO

THE MISCELLANIES AND POEMS

OF

HENRY FIELDING, Esq.

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PREFACE

THE volumes I now present the public consist, as their title indicates, of various matter; treating of subjects which bear not the least relation to each other, and perhaps, what Martial says of his epigrams, may be applicable to these several productions:

"*Sunt bona, sunt quædam mediocria, sunt mala* PLURA."

At least, if the *bona* be denied me, I shall, I apprehend, be allowed the other two.

The poetical pieces which compose the first part of the first volume were most of them written when I was very young, and are indeed productions of the heart rather than of the head. If the good-natured reader thinks them tolerable, it will answer my warmest hopes. This branch of writing is what I very little pretend to, and will appear to have been very little my pursuit, since I think (one or two poems excepted) I have here presented my reader with all I could remember, or procure copies of.

My modernisation of part of the sixth satire of Juvenal will, I hope, give no offence to that half of our species for whom I have the greatest respect and tenderness. It was originally sketched out before I was twenty, and was all the revenge taken by an injured lover. For my part, I am much more inclined to panegyric on that amiable sex, which I have always thought treated with a very unjust severity by ours, who censure them for faults (if they are truly such) into which we allure and betray them, and of which we ourselves, with an unblamed licence, enjoy the most delicious fruits.

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As to the Essay on Conversation, however it may be executed, my design in it will be at least allowed good; being to ridicule out of society one of the most pernicious evils which attends it, viz., pampering the gross appetites of selfishness and ill-nature with the shame and disquietude of others; whereas I have endeavoured in it to show, that true good-breeding consists in contributing, with our utmost power, to the satisfaction and happiness of all about us.

In my Essay on the Knowledge of the Characters of Men, I have endeavoured to expose a second great evil, namely, hypocrisy; the bane of all virtue, morality, and goodness; and to arm, as well as I can, the honest, undesigning, open-hearted man, who is generally the prey of this monster, against it. I believe a little reflection will convince us, that most mischiefs (especially those which fall on the worthiest part of mankind) owe their original to this detestable vice.

I shall pass over the remaining part of this volume, to the Journey from this World to the Next, which fills the greatest share of the second.

It would be paying a very mean compliment to the human understanding, to suppose I am under any necessity of vindicating myself from designing, in an allegory of this kind, to oppose any present system, or to erect a new one of my own: but perhaps the fault may lie rather in the heart than in the head; and I may be misrepresented, without being misunderstood. If there are any such men, I am sorry for it; the good-natured reader will not, I believe, want any assistance from me to disappoint their malice.

Others may (and that with greater colour) arraign my ignorance; as I have, in the relation which I have put into the mouth of Julian, whom they call the Apostate, done many violences to history, and mixed truth and falsehood with much freedom. To these I answer, I profess fiction only; and though I have chosen some facts out of history to embellish my work, and fix a chronology to it, I have not, however, confined myself to nice exactness; having often

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ante-dated, and sometimes post-dated, the matter I have found in the historian, particularly in the Spanish history, where I take both these liberties in one story.

The residue of this volume is filled with two dramatic pieces, both the productions of my youth, although the latter was not acted until this season. It was the third dramatic performance I ever attempted; the parts of Millamour and Charlotte being originally intended for Mr. Wilks and Mrs. Oldfield; but the latter died before it was finished; and a slight pique which happened between me and the former, prevented him from ever seeing it. The play was read to Mr. Rich upwards of twelve years since, in the presence of a very eminent physician of this age, who will bear me testimony, that I did not recommend my performance with the usual warmth of an author. Indeed I never thought, until this season, that there existed on any one stage, since the death of that great actor and actress above mentioned, any two persons capable of supplying their loss in those parts: for characters of this kind do, of all others, require most support from the actor, and lend the least assistance to him.

From the time of its being read to Mr. Rich, it lay by me neglected and unthought of, until this winter, when it visited the stage in the following manner:

Mr. Garrick, whose abilities as an actor will, I hope, rouse up better writers for the stage than myself, asked me one evening, if I had any play by me; telling me he was desirous of appearing in a new part. I answered him I had one almost finished; but I conceived it so little the manager's interest to produce any thing new on his stage this season, that I should not think of offering it him, as I apprehended he would find some excuse to refuse me, and adhere to the theatrical politics, of never introducing new plays on the stage, but when driven to it by absolute necessity.

Mr. Garrick's reply to this was so warm and friendly, that, as I was full as desirous of putting words into his mouth, as he could appear to be of speaking them, I mentioned the play the very next morning to Mr. Fleetwood, who embraced

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my proposal so heartily, that an appointment was immediately made to read it to the actors who were principally to be concerned in it.

When I came to revise this play, which had likewise lain by me some years, though formed on a much better plan, and at an age when I was much more equal to the task, than the former, I found I had allowed myself too little time for the perfecting it; but I was resolved to execute my promise, and accordingly, at the appointed day, I produced five acts, which were entitled, THE GOOD-NATURED MAN.

Besides that this play appeared to me, on the reading, to be less completely finished than I thought its plan deserved, there was another reason which dissuaded me from bringing it on the stage as it then stood, and this was, that the very actor on whose account I had principally been inclined to have it represented, had a very inconsiderable part in it.

Notwithstanding my private opinion, of which I then gave no intimation, The Good-natured Man was received, and ordered to be written into parts, Mr. Garrick professing himself very ready to perform his; but as I remained dissatisfied, for the reasons above mentioned, I now recollected my other play, in which I remembered there was a character I had originally intended for Mr. Wilks.

Upon perusal, I found this character was preserved with some little spirit, and (what I thought would be a great recommendation to the audience) would keep their so justly favourite actor almost eternally before their eyes. I apprehended (in which I was not deceived) that he would make so surprising a figure in this character, and exhibit talents so long unknown to the theatre, that, as hath happened in other plays, the audience might be blinded to the faults of the piece, for many I saw it had, and some very difficult to cure.

I accordingly sat down with a resolution to work night and day during the short time allowed me, which was about a week, in altering and correcting this production of my more juvenile years; when unfortunately, the extreme danger

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of life into which a person, very dear to me, was reduced, rendered me incapable of executing my task.

To this accident alone, I have the vanity to apprehend, the play owes most of the glaring faults with which it appeared. However, I resolved rather to let it take its chance, imperfect as it was, with the assistance of Mr. Garrick, than to sacrifice a more favourite, and in the opinion of others, a much more valuable performance, and which could have had very little assistance from him.

I then acquainted Mr. Garrick with my design, and read it to him and Mr. Macklin; Mr. Fleetwood agreed to the exchange, and thus the WEDDING DAY was destined to the stage.

Perhaps it may be asked me, why then did I suffer a piece, which I myself knew was imperfect, to appear? I answer honestly and freely, that reputation was not my inducement; and that I hoped, faulty as it was, it might answer a much more solid, and in my unhappy situation, a much more urgent motive. If it will give my enemies any pleasure to know that they totally frustrated my views, I will be kinder to them, and give them a satisfaction which they denied me; for though it was acted six nights, I received not 50*l.* from the house for it.

This was indeed chiefly owing to a general rumour spread of its indecency; which originally arose, I believe, from some objections of the licenser, who had been very unjustly censured for being too remiss in his restraints on that head; but as every passage which he objected to was struck out, and I sincerely think very properly so, I leave to every impartial judge to decide, whether the play, as it was acted, was not rather freer from such imputation than almost any other comedy on the stage. However, this opinion prevailed so fatally without doors, during its representation, that on the sixth night there were not above five ladies present in the boxes.

But I shall say no more of this comedy here, as I intend to introduce it the ensuing season, and with such alterations as will, I hope, remove every objection to it, and may make the

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manager some amends for what he lost by very honourably continuing its representation, when he might have got much more by acting other plays.

I come now to the third and last volume, which contains the History of Jonathan Wild. And here it will not, I apprehend, be necessary to acquaint my reader, that my design is not to enter the lists with that excellent historian, who from authentic papers and records, &c., hath already given so satisfactory an account of the life and actions of this great man. I have not indeed the least intention to depreciate the veracity and impartiality of that history; nor do I pretend to any of those lights, not having, to my knowledge, ever seen a single paper relating to my hero, save some short memoirs, which about the time of his death were published in certain chronicles called newspapers, the authority of which hath been sometimes questioned, and in the Ordinary of Newgate his account, which generally contains a more particular relation of what the heroes are to suffer in the next world, than of what they did in this.

To confess the truth, my narrative is rather of such actions which he might have performed, or would, or should have performed, than what he really did; and may, in reality, as well suit any other such great man, as the person himself whose name it bears.

A second caution I would give my reader is, that as it is not a very faithful portrait of Jonathan Wild himself, so neither is it intended to represent the features of any other person. Roguery, and not a rogue, is my subject; and as I have been so far from endeavouring to particularise any individual, that I have with my utmost art avoided it; so will any such application be unfair in my reader, especially if he knows much of the great world, since he must then be acquainted, I believe, with more than one on whom he can fix the resemblance.

In the third place, I solemnly protest, I do by no means intend in the character of my hero to represent human nature in general. Such insinuations must be attended with very dreadful conclusions; nor do I see any other tendency

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they can naturally have, but to encourage and soothe men in their villainies, and to make every well-disposed man disclaim his own species, and curse the hour of his birth into such a society. For my part, I understand those writers who describe human nature in this depraved character, as speaking only of such persons as Wild and his gang; and I think it may be justly inferred, that they do not find in their own bosoms any deviation from the general rule. Indeed, it would be an insufferable vanity in them to conceive themselves as the only exception to it.

But without considering Newgate as no other than human nature with its mask off, which some very shameless writers have done, a thought which no price should purchase me to entertain, I think we may be excused for suspecting, that the splendid palaces of the great are often no other than Newgate with the mask on. Nor do I know anything which can raise an honest man's indignation higher than that the same morals should be in one place attended with all imaginable misery and infamy, and in the other, with the highest luxury and honour. Let any impartial man in his senses be asked, for which of these two places a composition of cruelty, lust, avarice, rapine, insolence, hypocrisy, fraud and treachery, was best fitted; surely his answer must be certain and immediate; and yet I am afraid all these ingredients, glossed over with wealth and a title, have been treated with the highest respect and veneration in the one, while one or two of them have been condemned to the gallows in the other.

If there are then any men of such morals who dare to call themselves great, and are so reputed, or called at least, by the deceived multitude, surely a little private censure by the few is a very moderate tax for them to pay, provided no more was to be demanded: but I fear this is not the case. However the glare of riches, and awe of title, may dazzle and terrify the vulgar; nay, however hypocrisy may deceive the more discerning, there is still a judge in every man's breast, which none can cheat nor corrupt, though

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perhaps it is the only uncorrupt thing about him. And yet, inflexible and honest as this judge is (however polluted the bench be on which he sits) no man can, in my opinion, enjoy any applause which is not thus adjudged to be his due.

Nothing seems to me more preposterous than that, while the way to true honour lies so open and plain, men should seek false by such perverse and rugged paths: that while it is so easy and safe, and truly honourable, to be good, men should wade through difficulty and danger, and real infamy, to be great, or, to use a synonymous word, villains.

Nor hath goodness less advantage in the article of pleasure than of honour over this kind of greatness. The same righteous judge always annexes a bitter anxiety to the purchases of guilt, whilst it adds a double sweetness to the enjoyments of innocence and virtue: for fear, which all the wise agree is the most wretched of human evils, is, in some degree, always attending on the former, and never can in any manner molest the happiness of the latter.

This is the doctrine which I have endeavoured to inculcate in this history, confining myself at the same time within the rules of probability. (For except in one chapter, which is visibly meant as a burlesque on the extravagant accounts of travellers, I believe I have not exceeded it.) And though perhaps it sometimes happens, contrary to the instances I have given, that the villain succeeds in his pursuit, and acquires some transitory imperfect honour or pleasure to himself for his iniquity; yet I believe he oftener shares the fate of my hero, and suffers the punishment, without obtaining the reward.

As I believe it is not easy to teach a more useful lesson than this, if I have been able to add the pleasant to it, I might flatter myself with having carried every point.

But perhaps some apology may be required of me, for having used the world greatness to which the world hath affixed such honourable ideas, in so disgraceful and contemptuous a light. Now if the fact be, that the greatness

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which is commonly worshipped is really of that kind which I have here represented, the fault seems rather to lie in those who have ascribed to it those honours to which it hath not in reality the least claim.

The truth, I apprehend, is, we often confound the ideas of goodness and greatness together, or rather include the former in our idea of the latter. If this be so, it is surely a great error, and no less than a mistake of the capacity for the will. In reality, no qualities can be more distinct: for as it cannot be doubted but that benevolence, honour, honesty, and charity, make a good man; and that parts, courage, are the efficient qualities of a great man, so must it be confessed, that the ingredients which compose the former of these characters bear no analogy to, nor dependence on, those which constitute the latter. A man may therefore be great without being good, or good without being great.

However, though the one bear no necessary dependence on the other, neither is there any absolute repugnancy among them which may totally prevent their union so that they may, though not of necessity, assemble in the same mind, as they actually did, and all in the highest degree, in those of Socrates and Brutus; and perhaps in some among us. I at least know one to whom Nature could have added no one great or good quality more than she hath bestowed on him.

Here then appear three distinct characters; the great, the good, and the great and good.

The last of these is the true sublime in human nature. That elevation by which the soul of man, raising and extending itself above the order of this creation, and brightened with a certain ray of divinity, looks down on the condition of mortals. This is indeed a glorious object, on which we can never gaze with too much praise and admiration. A perfect work! the Iliad of Nature! ravishing and astonishing, and which at once fills us with love, wonder, and delight.

The second falls greatly short of this perfection, and yet

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hath its merit. Our wonder ceases; our delight is lessened, but our love remains; of which passion, goodness hath always appeared to me the only true and proper object. On this head I think proper to observe, that I do not conceive my good man to be absolutely a fool or a coward; but that he often partakes too little of parts or courage to have any pretensions to greatness.

Now as to that greatness which is totally devoid of goodness, it seems to me in nature to resemble the false sublime in poetry; whose bombast is, by the ignorant and ill-judging vulgar, often mistaken for solid wit and eloquence, whilst it is in effect the very reverse. Thus pride, ostentation, insolence, cruelty, and every kind of villainy, are often construed into true greatness of mind, in which we always include an idea of goodness.

This bombast greatness then is the character I intend to expose; and the more this prevails in and deceives the world, taking to itself not only riches and power, but often honour, or at least the shadow of it, the more necessary is it to strip the monster of these false colours, and show it in its native deformity: for by suffering vice to possess the reward of virtue, we do a double injury to society, by encouraging the former, and taking away the chief incentive to the latter. Nay, though it is, I believe, impossible to give vice a true relish of honour and glory, or, though we give it riches and power, to give it the enjoyment of them, yet it contaminates the food it can't taste, and sullies the robe which neither fits nor becomes it, till Virtue disdains them both.

Thus have I given some short account of these works. I come now to return thanks to those friends who have with uncommon pains forwarded this subscription: for though the number of my subscribers be more proportioned to my merit than their desire or expectation, yet I believe I owe not a tenth part to my own interest. My obligations on this head are so many, that for fear of offending any by preference, I will name none. Nor is it indeed necessary, since I am convinced they served me with no desire for a public

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acknowledgment; nor can I make any, to some of them, equal with the gratitude of my sentiments.

I cannot, however, forbear mentioning my sense of the friendship shown me by a profession of which I am a late and unworthy member, and from whose assistance I derive more than half the names which appear to this subscription.

It remains that I make some apology for the delay in publishing these volumes, the real reason of which was, the dangerous illness of one from whom I draw all the solid comfort of my life, during the greatest part of this winter. This, as it is most sacredly true, so will it, I doubt not, sufficiently excuse the delay to all who know me.

Indeed when I look a year or two backwards, and survey the accidents which have befallen me, and the distresses I have waded through whilst I have been engaged in these works, I could almost challenge some philosophy to myself, for having been able to finish them as I have; and however imperfectly that may be, I am convinced the reader, was he acquainted with the whole, would want very little good-nature to extinguish his disdain at any faults he meets with.

But this hath dropped from me unawares: for I intend not to entertain my reader with my private history: nor am I fond enough of tragedy to make myself the hero of one.

However, as I have been very unjustly censured, as well on account of what I have not written, as for what I have, I take this opportunity to declare in the most solemn manner, I have long since (as long as from June, 1741) desisted from writing one syllable in the Champion, or any other public paper; and that I never was, nor will be, the author of anonymous scandal on the private history or family of any person whatever.

Indeed there is no man who speaks or thinks with more detestation of the modern custom of libelling. I look on the practice of stabbing a man's character in the dark, to be as base and as barbarous as that of stabbing him with a

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poignard in the same manner; nor have I ever been once in my life guilty of it.

It is not here, I suppose, necessary to distinguish between ridicule and scurrility; between a jest on a public character, and the murther of a private one.

My reader will pardon my having dwelt a little on this particular, since it is so especially necessary in this age, when almost all the wit we have is applied this way; and when I have already been a martyr to such unjust suspicion. Of which I will relate one instance. While I was last winter laid up in the gout, with a favourite child dying on one bed, and my wife in a condition very little better on another, attended with other circumstances which served as very proper decorations to such a scene, I received a letter from a friend, desiring me to vindicate myself from two very opposite reflections, which two opposite parties thought fit to cast on me, viz., the one of writing in the Champion (though I had not then written in it for upwards of half a year), the other, of writing in the Gazetteer, in which I never had the honour of inserting a single word.

To defend myself therefore as well as I can from all past, and to enter a caveat against all future, censure of this kind, I once more solemnly declare, that since the end of June, 1741, I have not, besides Joseph Andrews, published one word, except The Opposition, a Vision; A Defence of the Duchess of Marlborough's Book; Miss Lucy in Town (in which I had a very small share). And I do further protest, that I will never hereafter publish any book or pamphlet whatever, to which I will not put my name. A promise which, as I shall sacredly keep, so will it, I hope, be so far believed, that I may henceforth receive no more praise or censure to which I have not the least title.

And now, my good-natured reader, recommending my works to your candour, I bid you heartily farewell; and take this with you, that you may never be interrupted in the reading these Miscellanies with that degree of heartache which hath often discomposed me in the writing them.

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OF TRUE GREATNESS

AN EPISTLE TO THE RIGHT HONOURABLE

GEORGE DODINGTON, Esq.

1st item in 1st vol of Misc 1743

'Tis strange, while all to greatness homage pay,
So few should know the goddess they obey;
That men should think a thousand things the same,
And give contending images one name.
Not Greece, in all her temples' wide abodes,
Held a more wild democracy of gods
Than various deities we serve, while all
Profess before one common shrine to fall.

Whether ourselves of greatness are possess'd,
Or worship it within another's breast.

While a mean crowd of sycophants attend,
And fawn and flatter, creep and cringe and bend;
The fav'rite blesses his superior state,
Rises o'er all, and hails himself the great.
Vain man! can such as these to greatness raise?
Can honour come from dirt? from baseness, praise?
Then India's gem on Scotland's coast shall shine,
And the Peruvian ore enrich the Cornish mine.

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Behold, in blooming May, the May-pole stand,
Dress'd out in garlands by the peasant's hand;
Around it dance the youth, in mirthful mood;
And all admire the gaudy, dress'd-up wood.
See, the next day, of all its pride bereft,
How soon the unregarded post is left.
So thou, the wonder of a longer day,
Raised high on power, and dress'd in titles gay,
Stripp'd of these summer garlands, soon wouldst see
The mercenary slaves adored, not thee;
Wouldst see them thronging thy successor's gate,
Shadows of power, and properties of state.
As the sun insects, power court-friends begets,
Which wanton in its beams, and vanish as it sets.

Thy highest pomp the hermit dares despise,
Greatness (cries this) is to be good and wise.
To titles, treasures, luxury and show,
The gilded follies of mankind, a foe.
He flies society, to wilds resorts,
And rails at busy cities, splendid courts.
Great to himself, he in his cell appears,
As kings on thrones, or conquerors on cars.

O thou, that dar'st thus proudly scorn thy kind,
Search, with impartial scrutiny, thy mind;
Disdaining outward flatterers to win,
Dost thou not feed a flatterer within?
While other passions temperance may guide,
Feast not with too delicious meals thy pride.
On vice triumphant while thy censures fall,
Be sure no envy mixes with thy gall.
Ask thyself oft, to power and grandeur born,
Had power and grandeur then incurr'd thy scorn?
If no ill-nature in thy breast prevails,
Enjoying all the crimes at which it rails?
A peevish sour perverseness of the will,
Oft we miscall antipathy to ill.

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Scorn and disdain the little cynic hurl'd
At the exulting victor of the world.
Greater than this what soul can be descried?
His who contemns the cynic's snarling pride.
Well might the haughty son of Philip see
Ambition's second lot devolve on thee;
Whose breast pride fires with scarce inferior joy,
And bids thee hate and shun men, him destroy.

But hadst thou, Alexander, wish'd to prove
Thyself the real progeny of Jove,
Virtue another path had bid thee find,
Taught thee to save, and not to slay, mankind.

Shall the lean wolf, by hunger fierce and bold,
Bear off no honours from the bloody fold?
Shall the dead flock his greatness not display;
But shepherds hunt him as a beast of prey?
While man, not drove by hunger from his den,
To honour climbs o'er heaps of murder'd men.
Shall ravaged fields and burning towns proclaim
The hero's glory, not the robber's shame?
Shall thousands fall, and millions be undone,
To glut the hungry cruelty of one?

Behold, the plain with human gore grow red,
The swelling river heave along the dead.
See, through the breach the hostile deluge flow,
Along it bears the unresisting foe:
Hear, in each street the wretched virgin's cries,
Her lover sees her ravish'd as he dies.
The infant wonders at its mother's tears,
And smiling feels its fate before its fears.
Age, while in vain for the first blow it calls,
Views all its branches lopp'd before it falls.
Beauty betrays the mistress it should guard,
And, faithless, proves the ravisher's reward:
Death, their sole friend, relieves them from their ills,
Their kindest victor he who soonest kills.

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Could such exploits as these thy pride create?
Could these, O Philip's son, proclaim thee great?
Such honours Mahomet expiring craved,
Such were the trophies on his tomb engraved.
If greatness by these means may be possess'd,
Ill we deny it to the greater beast.
Single and arm'd by nature only, he
That mischief does, which thousands do for thee.

Not on such wings to fame did Churchill soar,
For Europe, while defensive arms he bore;
Whose conquests, cheap at all the blood they cost,
Saved millions by each noble life they lost.

Oh, name august! in capitals of gold,
In fame's eternal chronicle enroll'd!
Where Cæsar, viewing thee, ashamed withdraws,
And owns thee greater in a greater cause.
Thee, from the lowest depth of time, on high
Blazing, shall late posterity descry;
And own the purchase of thy glorious pains,
While Liberty, or while her name, remains.

But quit, great sir, with me this higher scene,
And view false greatness with more awkward mien,
For now, from camps to colleges retreat;
No cell, no closet here without the great.
See, how pride swells the haughty pedant's looks;
How pleased he smiles o'er heaps of conquer'd books.
Tully to him, and Seneca, are known,
And all their noblest sentiments his own.
These, on each apt occasion, he can quote;
Thus the false count affects the man of note,
Awkward and shapeless in a borrow'd coat.

Thro' books some travel, as thro' nations some,
Proud of their voyage, yet bring nothing home.
Critics thro' books, as beaus thro' countries stray,
Certain to bring their blemishes away.

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Great is the man, who with unwearied toil
Spies a weed springing in the richest soil.
If Dryden's page with one bad line be bless'd,
'Tis great to show it, as to write the rest.

Others, with friendly eye run authors o'er,
Not to find faults, but beauties to restore;
Nor scruple (such their bounty) to afford
Folios of dulness to preserve a word:
Close as to some tall tree the insect cleaves,
Myriads still nourish'd by its smallest leaves,
So cling these scribblers round a Virgil's name,
And on his least of beauties soar to fame.

Awake, ye useless drones, and scorn to thrive
On the sweets gather'd by the lab'ring hive.
Behold the merchant give to thousands food,
His loss his own, his gain the public good.
Her various bounties Nature still confines,
Here gilds her sands, there silvers o'er her mines:
The merchant's bounty Nature hath outdone,
He gives to all, what she confines to one.
And is he then not great? Sir B. denies
True greatness to the creature whom he buys:
Blush the wretch wounded, conscious of his guile.
B—nard and H—cote at such satire smile.

But if a merchant lives, who meanly deigns
To sacrifice his country to his gains,
Tho' from his house, untrusted and unfed,
The poet bears off neither wine nor bread;
As down Cheapside he meditates the song,
He ranks that merchant with the meanest throng.
Nor him the poet's pride contemns alone,
But all to whom the muses are unknown.
These, cries the bard, true honours can bestow,
And separate true worth from outward show;
Sceptres and crowns by them grow glorious things
(For tho' they make not, they distinguish kings).

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Short-lived the gifts which kings to them bequeath;
Bards only give the never-fading wreath.
Did all our annals no Argyle afford,
The muse constrain'd could sing a common lord.
But should the muse withhold her friendly strain,
The hero's glory blossoms fair in vain;
Like the young spring's, or summer's riper flower,
The admiration of the present hour.
She gleans from death's sure scythe the noble name,
And lays up in the granaries of fame.
Thus the great tatter'd bard, as thro' the streets
He cautious treads, lest any bailiff meets,
Whose wretched plight the jest of all is made;
Yet most, if hapless, it betray his trade.
Fools in their laugh at poets are sincere,
And wiser men admire them thro' a sneer.
For poetry with treason shares this fate,
Men like the poem and the poet hate.
And yet with want and with contempt oppress'd,
Shunn'd, hated, mock'd, at once men's scorn and jest,
Perhaps from wholesome air itself confined,
Who hopes to drive out greatness from his mind?

Some greatness in myself perhaps I view;
Not that I write, but that I write to you.

To you! who in this Gothic leaden age,
When wit is banish'd from the press and stage,
When fools to greater folly make pretence,
And those who have it seem ashamed of sense;
When nonsense is a term for the sublime,
And not to be an idiot is a crime;
When low buffoons in ridicule succeed,
And men are largely for such writings fee'd,
As W——'s self can purchase none to read;
Yourself th' unfashionable lyre have strung,
Have own'd the muses and their darling Young.

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All court their favour when by all approved;
Ev'n virtue, if in fashion, would be loved.
You for their sakes with fashion dare engage,
Mæcenas you in no Augustan age.

Some merit then is to the muses due;
But oh! their smiles the portion of how few!
Tho' friends may flatter much, and more ourselves,
Few, Dodington, write worthy of your shelves.
Not to a song which Cœlia's smiles make fine,
Nor play which Booth had made esteem'd divine;
To no rude satire from ill-nature sprung,
Nor panegyric for a pension sung;
Not to soft lines that gently glide along,
And vie in sound and sense with Handel's song;
To none of these will Dodington bequeath
The poet's noble name and laureate wreath.

Leave, scribblers, leave the tuneful road to fame,
Nor by assuming damn a poet's name.
Yet how unjustly we the muses slight,
Unstirr'd by them because a thousand write!
Who would a soldier or a judge upbraid,
That —— wore ermine, —— a cockade.[1]

To greatness each pretender to pursue,
Would tire, great sir, the jaded muse and you.

The lowest beau that skips about a court,
The lady's plaything, and the footman's sport;
Whose head adorn'd with bag or tail of pig,
Serves very well to bear about his wig;[2]
Himself the sign-post of his tailor's trade,
That shows abroad how well his clothes are made;

[1] This verse may be filled up with any two names out of our Chronicles, as the reader shall think fit.

[2] These verses attempt (if possible) to imitate the meanness of the creature they describe.

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This little, empty, silly, trifling toy,
Can from ambition feel a kind of joy;
Can swell, and even aim at looking wise,
And walking merit from its chair despise.

Who wonders, then, if such a thing as this
At greatness aims, that none the aim can miss!
Nor trade so low, profession useless, thrives,
Which to its followers not greatness gives.
What quality so mean, what vice can shame
The base possessors from the mighty claim?
To make our merit's little weight prevail,
We put not virtue in the other scale;
Against our neighbour's scale our own we press,
And each man's great who finds another less.
In large dominions some exert their state,
But all men find a corner to be great.
The lowest lawyer, parson, courtier, squire,
Is somewhere great, finds some that will admire.

Where shall we say then that true greatness dwells?
In palaces of kings, or hermits' cells?
Does she confirm the minister's mock-state,
Or bloody on the victor's garland wait?
Warbles, harmonious, she the poet's song,
Or, graver, laws pronounces to the throng?

To no profession, party, place confined,
True greatness lives but in the noble mind;
Him constant through each various scene attends,
Fierce to his foes, and faithful to his friends.
In him, in any sphere of life she shines,
Whether she blaze a Hoadley 'mid divines,
Or, an Argyle, in fields and senates dare,
Supreme in all the arts of peace and war.
Greatness with learning deck'd in Carteret see,
With justice, and with clemency in Lee;

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In Chesterfield to ripe perfection come,
See it in Lyttelton beyond its bloom.
Lives there a man, by nature form'd to please,
To think with dignity, express with ease;
Upright in principle, in council strong,
Prone not to change, nor obstinate too long:
Whose soul is with such various talents bless'd,
What he now does seems to become him best;
Whether the Cabinet demands his powers,
Or gay addresses soothe his vacant hours,
Or when from graver tasks his mind unbends,
To charm with wit the muses or his friends?
His friends! who in his favour claim no place,
From titles, pimping, flattery or lace,
To whose blest lot superior portions fall,
To most of fortune, and of taste to all.
Awed not by fear, by prejudice not sway'd
By fashion led not, nor by whim betray'd,
By candour only biass'd, who shall dare
To view and judge and speak men as they are?
In him (if such there be) is greatness shown,
Nor can he be to Dodington unknown.

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OF GOOD-NATURE

TO HIS GRACE THE

DUKE OF RICHMOND

WHAT is good-nature? Gen'rous Richmond, tell;
He can declare it best, who best can feel.
Is it a foolish weakness in the breast,
As some who know, or have it not, contest?
Or is it rather not the mighty whole,
Full composition of a virtuous soul?
Is it not virtue's self? A flower so fine,
It only grows in soils almost divine.

Some virtues flourish, like some plants, less nice,
And in one nature blossom out with vice.
Knaves may be valiant, villains may be friends;
And love in minds depraved effect its ends.
Good-nature, like the delicatest seeds,
Or dies itself, or else extirpates weeds.

Yet in itself howe'er unmix'd and pure,
No virtue from mistakes is less secure.
Good-nature often we those actions name,
Which flow from friendship, or a softer flame.
Pride may the friend to noblest efforts thrust,
Or savages grow gentle out of lust.
The meanest passion may the best appear,
And men may seem good-natured from their fear.

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What by this name, then, shall be understood?
What? but the glorious lust of doing good?
The heart that finds its happiness to please
Can feel another's pain, and taste his ease;
The cheek that with another's joy can glow,
Turn pale and sicken with another's woe;
Free from contempt and envy, he who deems
Justly of life's two opposite extremes,
Who to make all and each man truly bless'd
Doth all he can and wishes all the rest?

Tho' few have power their wishes to fulfil,
Yet all men may do good, at least in will.
Tho' few, with you or Marlborough, can save
From poverty, from prisons, and the grave;
Yet to each individual Heaven affords
The power to bless in wishes, and in words.

Happy the man with passions bless'd like you,
Who to be ill, his nature must subdue;
Whom fortune fav'ring, was no longer blind,
Whose riches are the treasures of mankind.
O! nobler in thy virtues than thy blood,
Above thy highest titles place THE GOOD.

High on life's summit raised, you little know
The ills which blacken all the vales below;
Where industry toils for support in vain,
And virtue to distress still joins disdain.
Swelt'ring with wealth, where men unmoved can hear
The orphan's sigh, and see the widow's tear;
Where griping av'rice slights the debtor's prayer,
And wretches wanting bread deprives of air.

Must it not wond'rous seem to hearts like thine,
That God, to other animals benign,
Should unprovided man alone create,
And send him hither but to curse his fate?

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Is this the being for whose use the earth
Sprung out of nought, and animals had birth?
This he, whose bold imagination dares
Converse with Heaven, and soar beyond the stars?
Poor reptile! wretched in an angel's form,
And wanting that which Nature gives the worm.

Far other views our kind Creator knew,
When man the image of Himself He drew.

So full the stream of Nature's bounty flows,
Man feels no ill, but what to man he owes.
The earth abundant furnishes a store,
To sate the rich, and satisfy the poor.
These would not want, if those did never hoard;
Enough for Irus falls from Dives' board.

And dost thou, common son of Nature, dare
From thy own brother to withhold his share?
To vanity, pale idol, offer up
The shining dish, and empty golden cup!
Or else in caverns hide thy precious ore,
And to the bowels of the earth restore
What for our use she yielded up before?
Behold, and take example, how the steed
Attempts not, selfish, to engross the mead.
See how the lowing herd, and bleating flock,
Promiscuous graze the valley, or the rock;
Each tastes his share of Nature's gen'ral good,
Nor strives from others to withhold their food.
But say, O man! would it not strange appear
To see some beast (perhaps the meanest there)
To his repast the sweetest pastures choose,
And ev'n the sourest to the rest refuse?
Wouldst thou not view, with scornful wond'ring eye,
The poor, contented, starving herd stand by?
All to one beast a servile homage pay,
And boasting, think it honour to obey?

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Who wonders that good-nature in so few,
Can anger, lust, or avarice subdue?
When the cheap gift of fame our tongues deny,
And risk our own, to poison with a lie.

Dwells there a base malignity in men,
That 'scapes the tiger's cave, or lion's den?
Does our fear dread, or does our envy hate,
To see another happy, good, or great?
Or does the gift of fame like money seem?
Think we we lose, whene'er we give, esteem?

Oh! great Humanity, whose beams benign,
Like the sun's rays, on just and unjust shine;
Who turning the perspective friendly still,
Dost magnify all good, and lessen ill;
Whose eye, while small perfections it commends,
Not to what's better, but what's worse attends:
Who, when at court it spies some well-shaped fair,
Searches not through the rooms for Shaftsb'ry's air;
Nor when Clarinda's lilies are confess'd,
Looks for the snow that whitens Richmond's breast.
Another's sense and goodness when I name,
Why wouldst thou lessen them with Mountford's fame?
Content, what Nature lavishes admire,
Nor what is wanting in each piece require.
Where much is right some blemishes afford,
Now look for Ch———d in every lord.

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LIBERTY

To GEORGE LYTTELTON, Esq.

To Lyttelton the muse this off'ring pays;
Who sings of liberty, must sing his praise.
This man, ye grateful Britons, all revere;
Here raise your altars, bring your incense here.
To him the praise, the blessings which ye owe,
More than their sires your grateful sons shall know.
O! for thy country's good and glory born!
Whom Nature vied with Fortune to adorn!
Brave, tho' no soldier; without titles, great;
Fear'd, without power; and envied, without state.
Accept the muse whom Truth inspires to sing,
Who soars, tho' weakly, on an honest wing.

See Liberty, bright goddess, comes along;
Raised at thy name, she animates the song.
Thy name, which Lacedemon had approved,
Rome had adored, and Brutus' self had loved.

Come then, bright maid, my glowing breast inspire;
Breathe in my lines, and kindle all thy fire.

Behold, she cries, the groves, the woods, the plains,
Where Nature dictates, see how freedom reigns;
The herd, promiscuous, o'er the mountain strays;
Nor begs this beast the other's leave to graze.
Each freely dares his appetite to treat,
Nor fears the steed to neigh, the flock to bleat.

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Did God, who freedom to these creatures gave,
Form His own image, man, to be a slave?

But men, it seems, to laws of compact yield;
While Nature only governs in the field;
Curse on all laws which liberty subdue,
And make the many wretched for the few.

However deaf to shame, to reason blind,
Men dare assert all falsehoods of mankind;
The public never were, when free, such elves
To covet laws pernicious to themselves.
Presumptuous power assumes the public voice,
And what it makes our fate, pretends our choice.

To whom did power original belong?
Was it not first extorted by the strong?
And thus began, where it will end, in wrong.

These scorn'd to power another claim than might,
And in ability established right.

At length a second nobler sort arose,
Friends to the weak, and to oppression foes;
With warm humanity their bosoms glow'd,
They felt to Nature their great strength they owed.
And as some elder born of noble rate,
To whom devolves his father's rich estate,
Becomes a kind protector to the rest,
Nor sees unmoved the younger branch distress'd,
So these, with strength whom Nature deign'd to grace,
Became the guardians of their weaker race;
Forced tyrant power to bend its stubborn knee,
Broke the hard chain, and set the people free.
O'er abject slaves they scorn'd inglorious sway,
But taught the grateful freed man to obey;
And thus, by giving liberty, enjoy'd
What the first hoped from liberty destroy'd.

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To such the weak for their protection flew,
Hence right to power and laws by compact grew.
With zeal embracing their deliverer's cause,
They bear his arms, and listen to his laws.
Thus power superior strength superior wears,
In honour chief, as first in toils and cares.
The people power, to keep their freedom, gave,
And he who had it was the only slave.

But fortune wills to wisest human schemes
The fate that torrents bring to purest streams,
Which from clear fountains soon polluted run,
Thus ends in evil what from good begun.

For now the savage host, o'erthrown and slain,
New titles, by new methods, kings obtain.
To priests and lawyers soon their arts applied,
The people these, and those the gods belied.
The gods, unheard, to power successors name,
And silent crowds their rights divine proclaim.
Hence all the evils which mankind have known,
The priest's dark mystery, the tyrant's throne;
Hence lords, and ministers, and such sad things;
And hence the strange divinity of kings.
Hail, Liberty! Boon worthy of the skies,
Like fabled Venus fair, like Pallas wise.
Thro' thee the citizen braves war's alarms,
Tho' neither bred to fight, nor paid for arms;
Thro' thee, the laurel crown'd the victor's brow,
Who served before his country at the plough:
Thro' thee (what most must to thy praise appear)
Proud senates scorn'd not to seek virtue there.

O thou, than health or riches dearer far,
Thou gentle breath of peace, and soul of war;
Thou that hast taught the desert sweets to yield,
And shame the fair Campania's fertile field;
Hast shown the peasant glory, and call'd forth
Wealth from the barren sand, and heroes from the north!

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The southern skies, without thee, to no end
In the cool breeze, or genial showers descend:
Possess'd of thee, the Vandal, and the Hun,
Enjoy their frost, nor mourn the distant sun.

As poets Samos, and the Cyprian grove,
Once gave to Juno, and the Queen of Love:
Be thine Britannia: ever friendly smile,
And fix thy seat eternal in this isle.
Thy sacred name no Romans now adore,
And Greece attends thy glorious call no more.
To thy Britannia, then, thy fire transfer,
Give all thy virtue, all thy force to her;
Revolve, attentive, all her annals o'er,
See how her sons have loved thee heretofore.
While the base sword oppress'd Iberia draws,
And slavish Gauls dare fight against thy cause,
See Britain's youth rush forth, at thy command,
And fix thy standard in the hostile land.
With noble scorn they view the crowded field,
And force unequal multitudes to yield.
So wolves large flocks, so lions herds survey,
Not foes more num'rous, but a richer prey.
O! teach us to withstand, as they withstood,
Nor lose the purchase of our father's blood.
Ne'er blush that sun that saw in Blenheim's plain
Streams of our blood, and mountains of our slain;
Or that of old beheld all France to yield
In Agincourt or Cressy's glorious field;
Where freedom Churchill, Henry, Edward gave,
Ne'er blush that sun to see a British slave.

As industry might from the bee be taught,
So might oppression from the hive be brought:
Behold the little race laborious stray,
And from each flower the hard-wrought sweets convey,
That in warm ease in winter they may dwell,
And each enjoy the riches of its cell.

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Behold th' excising power of man despoil
These little wretches of their care and toil.
Death's the reward of all their labour lost,
Careful in vain, and provident to their cost.

But thou, great Liberty, keep Britain free,
Nor let men use us as we use the bee.
Let not base drones upon our honey thrive,
And suffocate the maker in his hive.

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TO A FRIEND

ON THE CHOICE OF A WIFE

'Tis hard (experience long so taught the wise)
Not to provoke the person we advise.
Counsel, tho' ask'd, may very oft offend,
When it insults th' opinion of my friend.
Men frequent wish another's judgment known,
Not to destroy, but to confirm their own.
With feign'd suspense for our advice they sue,
On what they've done, or are resolved to do.
The favour'd scheme should we by chance oppose,
Henceforth they see us in the light of foes.
For could mankind th' advice they ask receive,
Most to themselves might wholesome counsel give.
Men in the beaten track of life's highway,
Ofter through passion than through error stray,
Want less advice than firmness to obey.

Nor can advice an equal hazard prove
To what is given in the cause of love;
None ask it here till melting in the flame.
If we oppose the now victorious dame,
You think her enemy and yours the same.

But yet, tho' hard, tho' dangerous the task,
Fidus must grant, if his Alexis ask.
Take then the friendly counsels of the Muse;
Happy, if what you've chosen she should choose.

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The question's worthy some diviner voice,
How to direct a wife's important choice.
In other aims if we should miss the white,
Reason corrects, and turns us to the right:
But here, a doom irrevocable's past,
And the first fatal error proves the last.
Rash were it then, and desperate, to run
With haste to do what cannot be undone.
Whence come the woes which we in marriage find,
But from a choice too negligent, too blind?

Marriage, by Heaven ordain'd is understood,
And bounteous Heaven ordain'd but what is good.
To our destruction we its bounties turn,
In flames, by Heaven to warm us meant, we burn.
What draws youth heedless to the fatal gin?
Features well form'd or a well polish'd skin.
What can in riper minds a wish create?
Wealth, or alliance with the rich and great:
Who to himself, now in his courtship, says,
I choose a partner of my future days;
Her face, or pocket seen, her mind they trust;
They wed to lay the fiends of avarice or lust.

But thou, whose honest thoughts the choice intend
Of a companion, and a softer friend;
A tender heart, which while thy soul it shares,
Augments thy joys, and lessens all thy cares.
One, who by thee while tenderly caress'd,
Shall steal that god-like transport to thy breast,
The joy to find you make another blest.
Thee in thy choice let other maxims move.
They wed for baser passions; thou for love.

Of Beauty's subtle poison well beware;
Our hearts are taken ere they dread the snare:
Our eyes, soon dazzled by that glare, grow blind,
And see no imperfections in the mind.

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Of this apprised, the sex, with nicest art,
Insidiously adorn the outward part.
But beauty, to a mind depraved and ill,
Is a thin gilding to a nauseous pill;
A cheating promise of a short-lived joy,
Time must this idol, chance may soon destroy.
See Leda, once the circle's proudest boast,
Of the whole town the universal toast;
By children, age, and sickness, now decay'd,
What marks remain of the triumphant maid?
Beauties which nature and which art produce,
Are form'd to please the eye, no other use.
The husband, sated by possession grown,
Or indolent to flatter what's his own;
With eager rivals keeps unequal pace:
But oh! no rival flatters like her glass.
There still she's sure a thousand charms to see,
A thousand times she more admires than he;
Then soon his dulness learns she to despise,
And thinks she's thrown away too rich a prize.
To please her, try his little arts in vain;
His very hopes to please her move disdain.
The man of sense, the husband, and the friend,
Cannot with fools and coxcombs condescend
To such vile terms of tributary praise,
As tyrants scarce on conquer'd countries raise.
Beauties think Heaven they in themselves bestow,
All we return is gratitude too low.
A gen'ral beauty wisely then you shun;
But from a wit, as a contagion, run.
Beauties with praise if difficult to fill;
To praise a wit enough, is harder still.
Here with a thousand rivals you'll contest;
He most succeeds who most approves the jest.
Ill-nature too with wit's too often joined;
Too firm associates in the human mind.
Oft may the former for the latter go,
And for a wit we may mistake a shrew.

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How seldom burns this fire, like Sappho's, bright!
How seldom gives an innocent delight!
Flavia's a wit at modesty's expense;
Iris to laughter sacrifices sense.
Hard labour undergo poor Delia's brains,
While every joke some mystery contains;
No problem is discuss'd with greater pains.
Not Lais more resolved, through thick and thin
Will plunge to meet her ever-darling sin,
Than Myrrha, through ingratitude and shame,
To raise the laugh, or get a witty fame.
No friendship is secure from Myrrha's blows;
For wits, like gamesters, hurt both friends and foes.
Besides, where'er these shining flowers appear,
Too nice the soil more useful plants to bear;
Her house, her person, are below her care.
In a domestic sphere she scorns to move,
And scarce accepts the vulgar joys of love.
But while your heart to wit's attacks is cool,
Let it not give admission to a fool.
He who can folly in a wife commend,
Proposes her a servant, not a friend.
Thou, too, whose mind is generous and brave,
Wouldst not become her master, but her slave;
For fools are obstinate, advice refuse,
And yield to none but arts you'd scorn to use.
When passion grows, by long possession, dull,
The sleepy flame her folly soon must lull;
Tho' now, perhaps, those childish airs you prize,
Lovers and husbands see with diff'rent eyes.
A rising passion will new charms create;
A falling seeks new causes for its hate.
Wisely the bee, while teeming summer blooms,
Thinks of the dearth which with cold winter glooms,
So thou shouldst, in thy love's serener time,
When passion reigns, and Flora's in her prime,
Think of that winter which must sure ensue,
When she shall have no charms, no fondness you.

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How then shall friendship to fond love succeed?
What charms shall serve her then in beauty's stead?
What then shall bid the passion change, not cool?
No charm's in the possession of a fool.
Next for the all-attracting power of gold,
That as a thing indifferent you hold.
I know thy am'rous heart, whose honest pride
Is still to be on the obliging side,
Would wish the fair one, whom your soul allures,
Enjoy'd a fortune rather less than yours.
Those whom the dazzling glare of fortune strikes,
Whom gold allures to what the soul dislikes;
If counterfeit affection they support,
Strict penance do, and golden fetters court.
But if ungrateful for the boon they grow,
And pay the bounteous female back with woe,
These are the worst of robbers in their wills,
Whom laws prevent from doing lesser ills.

Many who profit in a match intend,
Find themselves clearly losers in the end,
Fulvius, who basely from Melissa broke,
With richer Chloe to sustain the yoke,
Sees, in her vast expense, his crimes repaid,
And oft laments the poor forsaken maid.
And say, what soul, that's not to slavery born,
Can bear the taunts, th' upbraidings, and the scorn,
Which women with their fortunes oft bestow?
Worse torments far than poverty can know.

Happy Alexis, sprung from such a race,
Whose blood would no nobility disgrace.
But, O prefer some tender of a flock,
Who scarce can graft one parson on her stock,
To a fair branch of Churchill's noble line,
If thou must often hear it match'd with thine.

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Hence should, I say, by her big taunts compell'd,
With Tallard taken, Villars forced to yield,
And all the glories of great Blenheim's field.
While thus secure from what too frequent charms,
Small force against the rest your bosom arms.
Ill-nature, pride, or a malicious spleen,
To be abhorr'd, need only to be seen;
But to discover 'em may ask some art:
Women to lovers seldom faults impart.
She's more than woman, who can still conceal
Faults from a lover who will watch her well.
The dams of art may Nature's stream oppose,
It swells at last, and in a torrent flows.
But men, too partial, think, when they behold
A mistress rude, vain, obstinate, or bold,
That she to others who a demon proves,
May be an angel to the man she loves.
Mistaken hope, that can expect to find
Pride ever humble, or ill-nature kind.
No, rest assured, the ill which now you see
Her act to others, she will act to thee.
Shun then the serpent, when the sting appears,
Nor think a hurtful nature ever spares.
Two sorts of women never should be woo'd,
The wild coquette, and the censorious prude:
From love both chiefly seek to feed their pride,
Those to affect it strive, and these to hide.
Each gay coquette would be admired alone
By all, each prude be thought to value none.
Flaretta so weak vanities enthrall,
She 'd leave her eager bridegroom for a ball.
Chloe, the darling trifle of the town,
Had ne'er been won but by her wedding gown;
While in her fond Myrtillo's arms caress'd,
She doats on that, and wishes to be dress'd.
Like some poor bird, just pent within the cage,
Whose rambling heart in vain you would engage,
Cold to your fondness, it laments its chain,

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And wanton longs to range the fields again.
But prudes, whose thoughts superior themes employ,
Scorn the dull transports of a carnal joy:
With screw'd-up face, confess they suffer raptures,
And marry only to obey the Scriptures.
But if her constitution take the part
Of honest Nature 'gainst the wiles of art;
If she gives loose to love, she loves indeed;
Then endless fears and jealousies succeed.
If fondness e'er abate, you're weary grown,
And doat on some lewd creature of the town.
If any beauty to a visit come;
Why can't these gadding wretches stay at home?
They think each compliment conveys a flame,
You cannot both be civil to the same.
Of all the plagues with which a husband's curst,
A jealous prude's, my friend sure knows, the worst.

Some sterner foes to marriage bold aver,
That in this choice a man must surely err:
Nor can I to this lottery advise,
A thousand blanks appearing to a prize.
Women by nature form'd too prone to ill,
By education are made proner still;
To cheat, deceive, conceal each genuine thought,
By mothers and by mistresses are taught.
The face and shape are first the mother's care;
The dancing-master next improves the air.
To these perfections add a voice most sweet;
The skill'd musician makes the nymph complete.
Thus with a person well equipp'd, her mind
Left, as when first created, rude and blind,
She's sent to make her conquests on mankind.
But first inform'd the studied glance to aim,
Where riches show the profitable game:
How with unequal smiles the jest to take,
When princes, lords, or squires, or captains speak;
These lovers careful shun, and those create,

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And merit only see in an estate.
But tho' too many of this sort we find,
Some there are surely of a nobler kind.
Nor can your judgment want a rule to choose,
If by these maxims guided you refuse.
His wishes then give Fidus to declare,
And paint the chief perfections of the fair.
May she then prove, who shall thy lot befall,
Beauteous to thee, agreeable to all.
Nor wit nor learning proudly may she boast;
No low-bred girl, nor gay fantastic toast:
Her tender soul good-nature must adorn,
And vice and meanness be alone her scorn.
Fond of thy person, may her bosom glow
With passions thou hast taught her first to know.
A warm partaker of the genial bed,
Thither by fondness, not by lewdness led.
Superior judgment may she own thy lot;
Humbly advise, but contradict thee not.
Thine to all other company prefer;
May all thy troubles find relief from her.
If fortune gives thee such a wife to meet,
Earth cannot make thy blessing more complete.

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TO JOHN HAYES, Esq.

THAT Varius huffs, and fights it out to-day,
Who ran last week so cowardly away,
In Codrus may surprise the little skill,
Who nothing knows of humankind, but ill:
Confining all his knowledge, and his art,
To this, that each man is corrupt at heart.

But thou who Nature thro' each maze canst trace,
Who in her closet forcest her embrace;
Canst with thy Horace see the human elves
Not differ more from others than themselves:
Canst see one man at several times appear,
Now gay, now grave, now candid, now severe;
Now save his friends, now leave 'em in the lurch;
Now rant in brothels, and now cant in church.

Yet farther with the muse pursue the theme,
And see how various men at once will seem;
How passions blended on each other fix,
How vice with virtues, faults with graces mix;
How passions opposite, as sour to sweet,
Shall in one bosom at one moment meet,
With various luck for victory contend,
And now shall carry, and now lose their end.
The rotten beau, while smell'd along the room,
Divides your nose 'twixt stenches and perfume:
So vice and virtue lay such equal claim,
Your judgment knows not when to praise or blame.

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Had Nature actions to one source confined,
Ev'n blund'ring Codrus might have known mankind.
But as the diff'ring colours blended lie
When Titian variegates his clouded sky;
Where white and black, the yellow and the green,
Unite and undistinguish'd form the scene;
So the great artist diff'ring passions joins,
And love with hatred, fear with rage, combines.

Nor Nature this confusion makes alone;
She gives us often half, and half's our own.

Men what they are not struggle to appear,
And Nature strives to show them as they are;
While Art, repugnant thus to Nature, fights,
The various man appears in different lights.
The sage or hero on the stage may show
Behind the scenes the blockhead or the beau.
For tho' with Quin's or Garrick's matchless art,
He acts; my friend, he only acts a part:
For Quin himself, in a few moments more,
Is Quin again who Cato was before.
Thus while the courtier acts the patriot's part,
This guides his face and tongue, and that his heart.
Abroad the patriot shines with artful mien,
The naked courtier glares behind the scene.
What wonder then to-morrow if he grow
A courtier good, who is a patriot now!

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A DESCRIPTION

OF

U——N G——, (ALIAS NEW HOG'S NORTON) IN COM. HANTS.

WRITTEN TO A YOUNG LADY IN THE YEAR 1728

To Rosalinda, now from town retired,
Where noblest hearts her brilliant eyes have fired;
Whom nightingales in fav'rite bowers delight,
Where sweetest flowers perfume the fragrant night;
Where music's charms enchant the fleeting hours,
And wit transports with all Thalia's powers;
Alexis sends: Whom his hard fates remove
From the dear scenes of poetry and love,
To barren climates, less frequented plains,
Unpolish'd nymphs, and more unpolish'd swains.
In such a place how can Alexis sing?
An air ne'er beaten by the muse's wing!
In such a place what subject can appear?
What not unworthy Rosalinda's ear?
Yet if a charm in novelty there be,
Sure it will plead to Rosalind for me?
Whom courts or cities nought unknown can show,
Still U—— G—— presents a prospect new.

As the daub'd scene, that on the stage is shown,
Where this side canvas is, and that a town;
Or as that lace which Paxton half lace calls,
That decks some beau apprentice out for balls;

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Such our half house erects its mimic head,
This side a house presents, and that a shed.
Nor doth the inward furniture excel,
Nor yields it to the beauty of the shell:
Here Roman triumphs placed with awkward art,
A cart its horses draws, an elephant the cart,
On the house-side a garden may be seen,
Which docks and nettles keep for ever green.
Weeds on the ground, instead of flowers, we see,
And snails alone adorn the barren tree.
Happy for us, had Eve's this garden been;
She 'd found no fruit, and therefore known no sin.
Nor meaner ornament the shed-side decks
With hay-stacks, faggot piles, and bottle-ricks;
The horses stalls, the coach a barn contains;
For purling streams, we 've puddles fill'd with rains.
What can our orchard without trees surpass?
What, but our dusty meadow without grass?
I 've thought (so strong with me burlesque prevails,)
This place design'd to ridicule Versailles;
Or meant, like that, art's utmost power to show,
That tells how high it reaches, this how low.
Our conversation does our palace fit,
We 've everything but humour, except wit.

O then, when tired with laughing at his strains,
Give one dear sigh to poor Alexis' pains;
Whose heart this scene would certainly subdue,
But for the thoughts of happier days, and you;
With whom one happy hour makes large amends
For every care his other hours attends.

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TO THE RIGHT HONOURABLE

SIR ROBERT WALPOLE

(NOW EARL OF ORFORD)

WRITTEN IN THE YEAR 1730

SIR,

WHILE at the helm of state you ride,
Our nation's envy, and its pride;
While foreign courts with wonder gaze,
And curse those councils which they praise;
Would you not wonder, sir, to view
Your bard a greater man than you?
Which that he is, you cannot doubt,
When you have read the sequel out.

You know, great sir, that ancient fellows,
Philosophers, and such folks, tell us,
No great analogy between
Greatness and happiness is seen.
If then, as it might follow straight,
Wretched to be, is to be great.
Forbid it, gods, that you should try
What 'tis to be so great as I.

The family that dines the latest,
Is in our street esteem'd the greatest;
But latest hours must surely fall
Before him who never dines at all.

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Your taste in architect, you know,
Hath been admired by friend and foe:
But can your earthly domes compare
To all my castles———in the air?

We're often taught it doth behove us
To think those greater who're above us.
Another instance of my glory,
Who live above you twice two story,
And from my garret can look down
On the whole street of Arlington.[1]

Greatness by poets still is painted,
With many followers acquainted;
This too doth in my favour speak,
Your levée is but twice a week;
From mine I can exclude but one day,
My door is quiet on a Sunday.

Nor in the manner of attendance
Doth your great bard claim less ascendance.
Familiar you to admiration,
May be approach'd by all the nation:
While I, like the Mogul in Indo,
Am never seen but at my window.
If with my greatness you're offended,
The fault is easily amended,
For I'll come down with wond'rous ease,
Into whatever place you please.

I'm not ambitious; little matters
Will serve us great, but humble creatures.
Suppose a secretary o' this isle,
Just to be doing with a while;
Admiral, gen'ral, judge, or bishop;
Or I can foreign treaties dish up.

[1] Where Lord Orford then lived.

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If the good genius of the nation
Should call me to negotiation;
Tuscan and French are in my head;
Latin I write, and Greek I———read.

If you should ask, what pleases best?
To get the most and do the least;
What fittest for?——you know, I'm sure,
I'm fittest for a——sinecure.

TO THE SAME. ANNO 1731.

GREAT Sir, as on each levée day
I still attend you—still you say
I'm busy now, to-morrow come;
To-morrow, sir, you're not at home.
So says your porter, and dare I
Give such a man as him the lie?

In imitation, sir, of you,
I keep a mighty levée too;
Where my attendants, to their sorrow,
Are bid to come again to-morrow.
To-morrow they return, no doubt,
And then like you, sir, I'm gone out.
So says my maid—but they, less civil,
Give maid and master to the devil;
And then with menaces depart,
Which could you hear would pierce your heart.

Good sir, or make my levée fly me,
Or lend your porter to deny me.

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WRITTEN EXTEMPORE ON A HALFPENNY

Which a young lady gave a beggar, and the author redeemed for half-a-crown.

DEAR little, pretty, fav'rite ore,
That once increased Gloriana's store;
That lay within her bosom bless'd,
Gods might have envied thee thy nest.
I've read, imperial Jove of old
For love transform'd himself to gold:
And why, for a more lovely lass,
May he not now have lurk'd in brass;
O! rather than from her he 'd part,
He 'd shut that charitable heart,
That heart whose goodness nothing less
Than his vast power could dispossess.

From Gloriana's gentle touch
Thy mighty value now is such,
That thou to me art worth alone
More than his medals are to Sloan.

Not for the silver and the gold
Which Corinth lost shouldst thou be sold:
Not for the envied mighty mass
Which misers wish, or M———h has:
Not for what India sends to Spain,
Nor all the riches of the Main.

While I possess thy little store,
Let no man call, or think me, poor;
Thee, while alive, my breast shall have,
My hand shall grasp thee in the grave:
Nor shalt thou be to Peter given,
Tho' he should keep me out of Heaven.[1]

[1] In allusion to the custom of Peter Pence, used by the Roman Catholics.

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THE BEGGAR.

A SONG.

I.

WHILE cruel to your wishing slave,
You still refuse the boon I crave,
Confess, what joy that precious pearl
Conveys to thee, my lovely girl?

II.

Dost thou not act the miser's part,
Who with an aching, lab'ring heart,
Counts the dull, joyless, shining store,
Which he refuses to the poor?

III.

Confess then, my too lovely maid,
Nor blush to see thy thoughts betray'd;
What, parted with, gives heaven to me;
Kept, is but pain and grief to thee.

IV.

Be charitable then, and dare
Bestow the treasure you can spare;
And trust the joys which you afford
Will to yourself be sure restored.

AN EPIGRAM.

WHEN Jove with fair Alcmena lay,
He kept the sun a-bed all day;
That he might taste her wond'rous charms,
Two nights together in her arms.

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Were I of Celia's charms possess'd,
Melting on that delicious breast,
And could, like Jove, thy beams restrain,
Sun, thou shouldst never rise again;
Unsated with the luscious bliss,
I'd taste one dear eternal kiss.

THE QUESTION.

IN Celia's arms while bless'd I lay,
My soul in bliss dissolved away:
"Tell me," the charmer cried, "how well
You love your Celia; Strephon, tell?"
Kissing her glowing, burning cheek,
"I'll tell," I cried—but could not speak.
At length my voice return'd, and she
Again began to question me.
I pulled her to my breast again,
And tried to answer, but in vain:
Short falt'ring accents from me broke,
And my voice fail'd before I spoke.
The charmer, pitying my distress,
Gave me the tenderest caress,
And sighing cried, "You need not tell;
Oh! Strephon, oh! I feel how well."

J——N W——TS AT A PLAY.

WHILE hisses, groans, cat-calls thro' the pit,
Deplore the hapless poet's want of wit:
J—n W——ts, from silence bursting in a rage,
Cried, "Men are mad who write in such an age."
"Not so," replied his friend, a sneering blade,
"The poet's only dull, the printer's mad."

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TO CELIA.

I HATE the town and all its ways;
Ridottos, operas, and plays;
The ball, the ring, the mall, the court;
Wherever the beau-monde resort;
Where beauties lie in ambush for folks,
Earl Straffords, and the Duke of Norfolks;
All coffee-houses, and their praters;
All courts of justice, and debaters;
All taverns, and the sots within 'em;
All bubbles and the rogues that skin 'em.
I hate all critics; may they burn all,
From Bentley to the Grub Street Journal.
All bards, as Dennis hates a pun:
Those who have wit, and who have none.
All nobles, of whatever station;
And all the parsons in the nation.
All quacks and doctors read in physic,
Who kill or cure a man that is sick.
All authors that were ever heard on,
From Bavius up to Tommy Gordon;
Tradesmen with cringes ever stealing,
And merchants, whatsoe'er they deal in.
I hate the blades professing slaughter,
More than the devil holy water.
I hate all scholars, beaus, and squires;
Pimps, puppies, parasites, and liars.
All courtiers, with their looks so smooth;
And players, from Boheme to Booth.
I hate the world, cramm'd all together,
From beggars, up the Lord knows whither.

Ask you then, Celia, if there be
The thing I love? My charmer, thee.
Thee more than light, than life adore,
Thou dearest, sweetest creature more

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Than wildest raptures can express;
Than I can tell,—or thou canst guess.

Then tho' I bear a gentle mind,
Let not my hatred of mankind
Wonder within my Celia move,
Since she possesses all my love.

ON A LADY,

COQUETTING WITH A VERY SILLY FELLOW.

CORINNA'S judgment do not less admire,
That she for Oulus shows a gen'rous fire;
Lucretia toying thus had been a fool,
But wiser Helen might have used the tool.
Since Oulus for one use alone is fit,
With charity judge of Corinna's wit.

ON THE SAME.

WHILE men shun Oulus as a fool,
Dames prize him as a beau;
What judgment form we by this rule?
Why this it seems to show—
Those apprehend the beau 's a fool,
These think the fool 's a beau.

EPITAPH ON BUTLER'S MONUMENT.

WHAT tho' alive neglected and undone,
O let thy spirit triumph in this stone!
No greater honour could men pay thy parts,
For when they give a stone, they give their hearts.

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ANOTHER.

ON A WICKED FELLOW, WHO WAS A GREAT BLUNDERER.

INTERR'D by blunder in this sacred place,
Lies William's wicked heart, and smiling face.
Full forty years on earth he blunder'd on,
And now the L—d knows whither he is gone.
But if to heaven he stole, let no man wonder,
For if to hell he'd gone, he'd made no blunder.

EPIGRAM

ON ONE WHO INVITED MANY GENTLEMEN TO A SMALL DINNER.

PETER (says Pope) won't poison with his meat;
'Tis true, for Peter gives you nought to eat.

A SAILOR'S SONG.

DESIGNED FOR THE STAGE.

COME, let's aboard, my jolly blades,
That love a merry life;
To lazy souls leave home-bred trades,
To husbands home-bred strife;
Through Europe we will gaily roam,
And leave our wives and cares at home.
With a Fa la, &c.

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If any tradesman broke should be,
  Or gentleman distress'd,
Let him away with us to sea,
  His fate will be redress'd:
The glorious thunder of great guns,
Drowns all the horrid noise of duns.
With a Fa la, &c.

And while our ships we proudly steer
  Through all the conquer'd seas,
We'll show the world that Britons bear
  Their empire where they please:
Where'er our sails are once unfurl'd,
Our king rules that part of the world.
With a Fa la, &c.

The Spaniard with a solemn grace
  Still marches slowly on,
We 'll quickly make him mend his pace,
  Desirous to be gone:
Or if we bend our course to France,
We 'll teach Monsieur more brisk to dance.
With a Fa la, &c.

At length, the world subdued, again
  Our course we 'll homeward bend;
In women, and in brisk champagne,
  Our gains we 'll freely spend:
How proud our mistresses will be
To hug the men that fought as we!
With a Fa la, &c.

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ADVICE TO THE NYMPHS OF NEW S——M.

WRITTEN IN THE YEAR 1730.

CEASE, vainest nymphs, with Celia to contend,
And let your envy and your folly end.
With her almighty charms when yours compare,
When your blind lovers think you half so fair,
Each Sarum ditch, like Helicon shall flow,
And Harnam Hill, like high Parnassus, glow;
The humble daisy, trod beneath our feet,
Shall be like lilies fair, like violets sweet;
Winter's black nights outshine the summer's noon,
And farthing candles shall eclipse the moon:
T—b-ld shall blaze with wit, sweet Pope be dull,
And German princes vie with the Mogul.
Cease, then, advised, O cease th' unequal war,
'Tis too much praise to be o'ercome by her.
With the sweet nine so the Pierians strove;
So poor Arachne with Minerva wove:
Till of their pride just punishment they share;
Those fly and chatter, and this hangs in air.
Unhappy nymphs! O may the powers above,
Those powers that form'd this second Queen of Love,
Lay all their wrathful thunderbolts aside,
And rather pity than avenge your pride;
Forbid it, Heaven, you should bemoan too late
The sad Pierian's or Arachne's fate;
That hid in leaves, and perch'd upon a bough,
You should o'erlook those walks you walk in now;
The gen'rous maid's compassion, others joke,
Should chatter scandal which you once have spoke;
Or else in cobwebs hanging from the wall,
Should be condemn'd to overlook the ball:
To see, as now, victorious Celia reign,
Admired, adored, by each politer swain.

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O shun a fate like this, be timely wise,
And if your glass be false, if blind your eyes,
Believe and own what all mankind aver,
And pay with them the tribute due to her.

TO CELIA.

Occasioned by her apprehending her house would be broke open, and having an old fellow to guard it, who sat up all night, with a gun without any ammunition.

CUPID CALLED TO ACCOUNT.

LAST night, as my unwilling mind
To rest, dear Celia, I resign'd;
For how should I repose enjoy,
While any fears your breast annoy?
Forbid it, Heaven, that I should be
From any of your troubles free.
O! would kind Fate attend my prayer,
Greedy, I'd give you not a share.

Last night, then, in a wretched taking,
My spirits toss'd 'twixt sleep and waking,
I dreamt (ah! what so frequent themes
As you and Venus of my dreams!)
That she, bright glory of the sky,
Heard from below her darling's cry:
Saw her cheeks pale, her bosom heave,
And heard a distant sound of "thieve!"
Not so you look when at the ball,
Envied you shine, outshining all.
Not so at church, when priest perplex'd,
Beholds you, and forgets the text.

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The goddess frighten'd, to her throne
Summon'd the little god her son,
And him in passion thus bespoke:
"Where, with that cunning urchin's look,
Where from thy colours hast thou stray'd?
Unguarded left my darling maid?
Left my loved citadel of beauty,
With none but Sancho upon duty!
Did I for this a num'rous band
Of loves send under thy command!
Bid thee still have her in thy sight,
And guard her beauties day and night!
Were not th' Hesperian gardens taken?
The hundred eyes of Argus shaken?
What dangers will not men despise,
T' obtain this much superior prize?
And didst thou trust what Jove hath charm'd,
To a poor sentinel unarmed?
A gun indeed the wretch had got,
But neither powder, ball, nor shot.
Come tell me, urchin, tell no lies;
Where was you hid, in Vince's eyes?
Did you fair Bennet's breast importune?
(I know you dearly love a fortune.)"
Poor Cupid now began to whine:
"Mamma, it was no fault of mine.
I in a dimple lay *perdue*,
That little guard-room chose by you.
A hundred loves (all arm'd) did grace
The beauties of her neck and face;
Thence, by a sigh I dispossess'd,
Was blown to Harry Fielding's breast;
Where I was forced all night to stay,
Because I could not find my way.
But did mamma know there what work
I've made, how acted like a Turk;
What pains, what torment he endures,
Which no physician ever cures,

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She would forgive." The goddess smiled,
And gently chuck'd her wicked child,
Bid him go back, and take more care,
And give her service to the fair.

TO THE SAME.

ON HER WISHING TO HAVE A LILLIPUTIAN TO PLAY WITH

Is there a man who would not be,
My Celia, what is prized by thee?
A monkey beau, to please thy sight,
Would wish to be a monkey quite.
Or (couldst thou be delighted so)
Each man of sense would be a beau.
Courtiers would quit their faithless skill,
To be thy faithful dog Quadrille.
P—lt—y, who does for freedom rage,
Would sing confined within thy cage;
And W—lp-le, for a tender pat,
Would leave his place to be thy cat.
May I, to please my lovely dame,
Be five foot shorter than I am;
And, to be greater in her eyes,
Be sunk to Lilliputian size.
While on thy hand I skipp'd the dance,
How I'd despise the king of France!
That hand! which can bestow a store
Richer than the Peruvian ore,
Richer than India, or the sea,
(That hand will give yourself away).
Upon your lap to lay me down,
Or hide in plaitings of your gown;
Or on your shoulder sitting high,
What monarch so enthroned as I!

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Now on the rosy bud I'd rest,
Which borrows sweetness from thy breast;
Then when my Celia walks abroad,
I'd be her pocket's little load:
Or sit astride, to frighten people,
Upon her hat's new-fashioned steeple.
These for the day; and for the night,
I'd be a careful, watchful sprite;
Upon her pillow sitting still,
I'd guard her from th' approach of ill.
Thus (for afraid she could not be
Of such a little thing as me)
While I survey her bosom rise,
Her lovely lips, her sleeping eyes,
While I survey, what to declare
Nor fancy can, nor words must dare,
Here would begin my former pain,
And wish to be myself again.

SIMILES.

TO THE SAME.

As wildest libertines would rate,
Compared with pleasure, an estate;
Or as his life a hero'd prize,
When honour claim'd the sacrifice;
Their souls as strongest misers hold,
When in the balance weigh'd with gold;
Such, was thy happiness at stake,
My fortune, life, and soul, I'd make.

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THE PRICE.

TO THE SAME.

CAN there on earth, my Celia, be
A price I would not pay for thee?
Yes, one dear precious tear of thine
Should not be shed to make thee mine.

HER CHRISTIAN NAME.

TO THE SAME.

A VERY good fish, very good way of selling
A very bad thing, with a little bad spelling,
Make the name by the parson and godfather given,
When a Christian was made of an angel from heaven.

TO THE SAME;

HAVING BLAMED MR. GAY FOR HIS SEVERITY ON HER SEX.

LET it not Celia's gentle heart perplex
That Gay severe hath satirized her sex;
Had they, like her, a tenderness but known,
Back on himself each pointed dart had flown.
But blame thou last, in whose accomplish'd mind
The strongest satire on thy sex we find.

AN EPIGRAM.

THAT Kate weds a fool what wonder can be,
Her husband has married a fool great as she.

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ANOTHER.

MISS MOLLY lays down as a positive rule,
That no one should marry for love, but a fool:
Exceptions to rules even Lilly allows;
Moll has sure an example at home in her spouse.

TO THE MASTER OF THE

SALISBURY ASSEMBLY.

Occasioned by a dispute whether the company should have fresh candles.

TAKE your candles away, let your music be mute,
My dancing, however, you shall not dispute;
Jenny's eyes shall find light, and I'll find a flute.

THE CAT AND FIDDLE.

TO THE

FAVOURITE CAT OF A FIDDLING MISER.

THRICE happy cat, if, in thy A—— House,
Thou luckily shouldst find a half-starved mouse;
The mice, that only for his music stay,
Are proofs that Orpheus did not better play.
Thou too, if danger could alarm thy fears,
Hast to this Orpheus strangely tied thy ears:
For oh! the fatal time will come, when he,
Prudent, will make his fiddle-strings of thee.

THE Queen of Beauty, t'other day
(As the Elysian journals say),

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To ease herself of all her cares,
And better carry on affairs;
By privy-council moved above,
And Cupid minister of love,
To keep the earth in due obedience,
Resolved to substitute vice-regents;
To canton out her subject lands,
And give the fairest the commands.

She spoke, and to the earth's far borders
Young Cupid issued out his orders,
That every nymph in its dimensions
Shall bring or send up her pretensions.
Like lightning swift the order flies,
Or swifter glance from Celia's eyes:
Like wit from sparkling W——tley's tongue;
Or harmony from Pope, or Young.
Why should I sing what letters came;
Who boasts her face, or who her frame?
From black and brown, and red, and fair,
With eyes and teeth, and lips and hair.
One, fifty hidden charms discovers;
A second boasts as many lovers:
This beauty all mankind adore;
And this all women envy more.
This witnesses, by *billets doux*,
A thousand praises, and all true;
While that by jewels makes pretences
To triumph over kings and princes;
Bribing the goddess by that pelf,
By which she once was bribed herself.
So borough towns, election brought on,
Ere yet corruption bill was thought on.
Sir Knight, to gain the voters' favour,
Boasts of his former good behaviour;
Of speeches in the Senate made;
Love for its country, and its trade.
And, for a proof of zeal unshaken,

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Distributes bribes he once had taken.
What matters who the prizes gain,
In India, Italy, or Spain;
Or who requires the brown commanders
Of Holland, Germany, and Flanders!
Thou, Britain, on my labours smile,
The Queen of Beauty's favour'd isle;
Whom she long since hath prized above
The Paphian, or the Cyprian grove.
And here, who ask the muse to tell,
That the court lot to R——chmond fell?
Or who so ignorant as wants
To know that S——per's chose for Hants?
Sarum, thy candidates be named,
Sarum, for beauties ever famed,
Whose nymphs excel all beauty's flowers,
As thy high steeple doth all towers.
The court was placed in manner fitting;
Venus upon the bench was sitting;
Cupid was secretary made.
The crier an *O Yes* display'd;
Like mortal crier's loud alarum,
Bring in petitions from New Sarum.
[1] When lo, in bright celestial state,
Jove came and thunder'd at the gate.
"And can you, daughter, doubt to whom
(He cried) belongs the happy doom,
While C——cks yet make bless'd the earth,
C——cks, who long before their birth,
I, by your own petition moved,
Decreed to be by all beloved.

[1] The middle part of this poem (which was written when the author was very young) was filled with the names of several young ladies, who might perhaps be uneasy at seeing themselves in print, that part therefore is left out; the rather, as some freedoms, though gentle ones, were taken with little foibles in the amiable sex, whom to affront in print, is, we conceive, mean in any man, and scandalous in a gentleman.

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C——cks, to whose celestial dower
I gave all beauties in my power;
To form whose lovely minds and faces,
I stripp'd half heaven of its graces.
Oh let them bear an equal sway,
So shall mankind well-pleased obey."
The god thus spoke, the goddess bow'd;
Her rising blushes straight avow'd
Her hapless memory and shame,
And Cupid glad writ down their name.

A PARODY,

FROM THE FIRST ÆNEID.

DIXIT; et avertens rosea cervice refulsit,
Ambrosiæque comæ divinum vertice odorem
Spiravere: pedes vestis defluxit ad imos,
Et vera incessu patuit Dea.——

She said; and turning, show'd her wrinkled neck,
In scales and colour like a roach's back.
Forth from her greasy locks such odours flow,
As those who've smelt Dutch coffee-houses know.
To her mid-leg her petticoat was rear'd,
And the true slattern in her dress appear'd.

A SIMILE,

FROM SILIUS ITALICUS.

AUT ubi cecropius formidine nubis aquosæ
Sparsa super flores examina tollit Hymettos;
Ad dulces ceras et odori corticis antra,
Mellis apes gravidæ properant, densoque volatu
Raucum connexæ glomerant ad limina murmur.

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OR when th' Hymettian shepherd, struck with fear
Of wat'ry clouds thick gather'd in the air,
Collects to waxen cells the scatter'd bees
Home from the sweetest flowers, and verdant trees;
Loaded with honey to the hive they fly,
And humming murmurs buzz along the sky.

TO EUTHALIA.

WRITTEN IN THE YEAR 1728.

BURNING with love, tormented with despair
Unable to forget or ease his care;
In vain each practised art Alexis tries;
In vain to books, to wine or women flies;
Each brings Euthalia's image to his eyes.
In Locke's or Newton's page her learning glows;
Dryden the sweetness of her numbers shows;
In all their various excellence I find
The various beauties of her perfect mind.
How vain in wine a short relief I boast!
Each sparkling glass recalls my charming toast.
To women then successless I repair,
Engage the young, the witty, and the fair.
When Sappho's wit each envious breast alarms,
And Rosalinda looks ten thousand charms;
In vain to them my restless thoughts would run;
Like fairest stars, they show the absent sun.

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PART OF

JUVENAL'S SIXTH SATIRE

MODERNISED IN

BURLESQUE VERSE

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JUVENALIS SATYRA SEXTA

CREDO pudicitiam Saturno rege[1] moratam
In terris, visamque diu; cum frigida parvas
Præberet spelunca domos, ignemque, Laremque,
Et pecus, et dominos communi clauderet umbra:
Silvestrem montana torum cum sterneret uxor
Frondibus et culmo, vicinarumque[2] ferarum

[1] Aureo scilicet sæculo; quod viguisse Saturno, Cœli et Vestæ filio, in Latio regnante a poetis fingitur. Regem hunc eleganter satis poeta profert, cum de moribus in Latio muatis agitur.

[2] Contubernalium. Vel forsan non longe petitarum sicut nunc; et exprobrare vult sui temporis Romanis, qui ex longinquo, mollitiei vel odoris causa, ferarum pelles maximo cum pretio comparabant.

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PART OF

JUVENAL'S SIXTH SATIRE

MODERNISED IN

BURLESQUE VERSE

DAME Chastity, without dispute,
Dwelt on the earth with good King Brute;[1]
When a cold hut of modern Greenland
Had been a palace for a Queen Anne;
When hard and frugal temp'rance reign'd,
And men no other house contain'd
Than the wild thicket, or the den;
When household goods, and beasts, and men,
Together lay beneath one bough,
Which man and wife would scarce do now;
The rustic wife her husband's bed
With leaves and straw, and beast-skin made.

[1] The Roman poet mentions Saturn, who was the first King of Italy; we have therefore rendered Brute the oldest to be found in our Chronicles, and whose history is as fabulous as that of his Italian brother.

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Pellibus, haud similis tibi,[1] Cynthia, nec tibi, cujus
Turbavit nitidos extinctus passer ocellos;
Sed potanda ferens infantibus ubera magnis,[2]
Et sæpe horridior glandem ructante marito.
Quippe aliter tunc orbe novo, cœloque recenti
Vivebant homines; qui rupto robore nati,
Compositique luto nullos habuere parentes,
Multa pudicitiæ veteris vestigia forsan,

[1] Cynthia propertii, Lesbia Catulli amica. Quarum quidem hanc ineptam, illam delicatulam fuisse innuit noster.

[2] Grangæum quendam hic refutat Lubinus. Qui per magnos, adultæ vel saltem provectioris Ætatis pueros, intelligit. Ego tamen cum Grangæo sentio. Nam delicatulis et nobilissimis matronis consuetudinem pueros a matris mammis arcendi objicere vult poeta, ob quam Romanas mulieres, Juvenalis temporibus, sicut et nostræ, infames et reprehensione dignas fuisse ne minimum quidem dubito.

Rupto robore nati. Sic Virgilius.

Gensque virum truncis, et rupto robore nati.

Hanc fabulam ex eo natam fuisse volunt, quod habitantes in arborum cavitibus exinde egredi solebant. Ridicula sane conjectura, et quæ criticulorum homunculorum hallucinantem geniunculum satis exprimit. Hæc fabula et aliæ quæ de hominis origine extiterunt, ab uno et eodem fonte effluxisse videntur, ab ignorantia scilicet humana cum vanitate conjuncta. Homines enim cum sui generis originem prorsus ignorarent, et hanc ignorantiam sibi probro verterent, causas varias genitivas, ad suam cujusque regionem accommodatas invenerunt et tradiderunt; alii ab arboribus, alii a luto, alii a lapidibus originem suam ducentes.

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Not like Miss Cynthia,[1] nor that other,
Who more bewail'd her bird than mother;
But fed her children from her bubbies,
Till they were grown up[2] to great loobies:
Herself an ornament lest decent
Than spouse, who smell'd of acorn recent.
For, in the infancy of nature,
Man was a diff'rent sort of creature;
When dirt-engender'd[3] offspring broke
From the ripe womb of mother oak.
Ev'n in the reign of Jove, perhaps,

[1] This is the first satirical stroke, in which the poet inveighs against an over affectation of delicacy and tenderness in women.

[2] Here the poet slyly objects to the custom of denying the mother's breast to the infant; there are among us truly conscientious persons, who agree with his opinion.

[3] We have here varied a little from the original, and put the two causes of generation together.

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Aut aliqua extiterant, et sub Jove,[1] sed Jove nondum
Barbato, nondum Græcis jurare paratis[2]
Per caput alterius; cum furem nemo timeret
Caulibus, aut pomis, sed aperto viveret horto.
Paulatim deinde ad superos Astræa recessit
Hac comite; atque duæ pariter fugere sorores.
Antiquum et vetus est, alienum, Posthume, lectum
Concutere, atque sacri genium contemnere fulcri.
Omne aliud crimen mox ferrea protulit ætas:
Viderunt primos argentea secula mœchos.
Conventum tamen, et pactum, et sponsalia nostra
Tempestate paras; jamque a tonsore magistro[3]
Pecteris, et digito pignus fortasse dedisti.
Certe sanus eras: uxorem, Posthume, ducis?
Dic, qua Tisiphone? quibus exagitare colubris?
Ferre potes dominam salvis tot restibus ullam?

[1] Argenteo sæculo, Jove Saturni filio regnante. Miram hujus loci elegantiam nimine prætereundam censeo. Quanta enim acerbitate in vitia humana insurgit poeta noster, qui non nisi vestigia pudicitiæ argenteo sæculo attribuit, neque hæc asserit, sed *forsan* extitisse sæculo hoc *ineunte* dicit; mox Jove pubescente ad superos avolasse.

[2] Apud Romanos Punica fides, et apud Græcos, ut liquet ex Demosthene in 1 Olynth. Macedonica fides, proverbio locum tribuerunt: Asiaticos etiam ob perjuriam insectatur noster Sat. sequente vers. 14. Sed hic originem perjurii Græcis attribuere videtur.

[3] Adprime docto. Hic et ad vers. 78, 79. Ritus nuptiales exhibet poeta.

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The goddess may have shown her chaps;
But it was sure in its beginning,
Ere Jupiter had beard to grin in.
Not yet the Greeks[1] made truth their sport,
And bore false evidence in court;
Their truth was yet become no adage;
Men fear'd no thieves of pears and cabbage.
By small degrees Astrea flies,
With her two sisters[2] to the skies.
O 'tis a very ancient custom,
To taint the genial bed, my Posthum!
Fearless lest husband should discover it,
Or else the genius that rules over it.
The iron age gave other crimes,
Adult'ry grew in silver times.
But you, in this age, boldly dare
The marriage settlements prepare;
Perhaps have bought the wedding garment,
And ring too, thinking there's no harm in't.
Sure you was in your senses, honey.
You marry. Say, what Tisiphone[3]
Possesses you with all her snakes,
Those curls which in her pole she shakes?

[1] They were so infamous for perjury, that to have regard to an oath was a great character among them, and sufficient to denote a gentleman. See our Notes on the Plutus of Aristophanes.

[2] Truth and Modesty.

[3] One of the Furies. We have presumed to violate the quantity of this word.

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Cum pateant altæ, caligantesque fenestræ?
Cum tibi vicinum se præbeat Æmilius pons?
Aut si de multis nullus placet exitus; illud
Nonne putas melius, quod tecum pusio dormit?
Pusio qui noctu non litigat: exigit a te
Nulla jacens illic munuscula, nec queritur quod
Et lateri parcas, nec, quantum jussit, anheles.
Sed placet Ursidio lex Julia:[1] tollere dulcem
Cogitat hæredem, cariturus turture magno,
Mullorumque jubis,[2] et captatore macello.
Quid fieri non posse putes, si jungitur ulla
Usidio? si mœchorum notissimus[3] olim
Stulta maritali jam porrigit ora capistro,
Quem toties texit periturum cista Latini?

[1] De adulteriis; qua lata est pœna adulterii, ideoque ad matrimonium viri ab ea lege impelluntur.

[2] I.e. Mullatis jubis. Sic Phædrus: aviditas canis pro avido cane, et etiam apud Græcus Βίη Πρίαμοιο pro Βίαιος Πρίαμος.

[3] Al. Turpissimus, perperam: nam si ita legas diminuitur hujus loci vis; quo quis enim majorem adulterarum habuit notitiam, eo magis maritali capistro porrecturus, ora exemplum præbet ridiculum.

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What, wilt thou wear the marriage chain,
While one whole halter doth remain;
When open windows death present ye,
And Thames hath water in great plenty?
  But verdicts of ten thousand pound
Most sweetly to Ursidius sound.
"We 'll all (he cries) be cuckolds *nem. con.*
While the rich action lies of *crim. con.*"
And who would lose the precious joy
Of a fine thumping darling boy?
Who, while you dance him, calls you daddy
(So he's instructed by my lady).
What tho' no ven'son, fowl, or fish,
Presented, henceforth grace the dish:
Such he hath had, but dates no merit hence;
He knows they came for his inheritance.[1]
What would you say, if this Ursidius,
A man well known among the widows,
First of all rakes, his mind should alter,
And stretch his simple neck to th' halter?[2]
Often within Latinus' closet,[3]
(The neighbours, nay, the whole town knows it,)

[1] This custom of making presents to rich men who had no children, in order to become their heirs, is little known to us. Mr. Ben Jonson, indeed, hath founded a play on it, but he lays the scene in Venice.

[2] We have endeavoured to preserve the beauty of this line in the original. The metaphor is taken from the posture of a horse holding forth his neck to the harness.

[3] We have here a little departed from the Latin. This Latinus was a player, and used to act the part of the gallant; in which, to avoid the discovery of the husband, he used to be hid in a chest, or clothes-basket, as Falstaff is concealed in the Merry Wives of Windsor. The poet therefore here alludes to that custom.

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Quid, quod et antiquis uxor de moribus illi
Quæritur? O medici mediam pertundite venam:
Delicias hominis![1] Tarpeium limen adora
Pronus, et auratam Junoni cæde juvencam,
Si tibi contigerit capitis matrona pudici.
Paucæ adeo Cereris vittas[2] contingere dignæ;
Quarum non timeat pater oscula, necte coronam
Postibus, et densos per limina tende corymbos.
Unus Iberinæ vir sufficit? ocyus illud
Extorquebis, ut hæc oculo contenta sit uno.
Magna tamen fama est cujusdam rure paterno
Viventis: vivat Gabiis, ut vixit in agro;
Vivat Fidenis, et agello cedo paterno.
Quis tamen affirmat nil actum in montibus, aut in
Speluncis? adeo senuerunt Jupiter et Mars?

[1] Delicat um hominem. Sic monstrum hominis, pro monstrosus homo.
[2] Mysteria eleusynia hic respicit. Quæ quidem a Warburtono illo doctissimo in libro suo de Mosaica legatione accuratissime nunc demum explicantur.

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He hath escaped the cuckold's search;
Yet now he seeks a wife most starch;
With good old-fashion'd morals fraught.
Physicians give him a large draught,
And surgeons ope his middle vein.
O delicate taste! go, prithee strain
Thy lungs to Heaven, in thanksgivings;
Build churches, and endow with livings.
If a chaste wife thy lot befall,
'Tis the great prize drawn in Guildhall.
Few worthy are to touch those mysteries,[1]
Of which we lately know the histories,
To Ceres sacred, who requires
Strict purity from loose desires.
Whereas at no crime now they boggle,
Ev'n at their grandfathers they ogle.
But come, your equipage make ready,
And dress your house out for my lady.
Will one man Iberine supply?
Sooner content her with one eye.
But hold; there runs a common story
Of a chaste country virgin's glory.

[1] Which the reader may see explained in a most masterly style, and with the profoundest knowledge of antiquity, by Mr. Warburton, in the first volume of his Divine Legation of Moses vindicated.

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Porticibusne tibi monstratur fœmina voto
Digna tuo? cuneis an habent spectacula totis
Quod securus ames, quodque inde excerpere possis?
Chironomon Ledam molli saltante Bathyllo,
Tuccia vesicæ non imperat; Appula gannit
(Sicut in amplexu) subitum, et miserabile longum:[1]
Attendit Thymele; Thymele tunc rustica discit.
Ast aliæ, quoties aulæa recondita cessant,
Et vacuo clausoque sonant fora sola theatro,
Atque a plebeiis longe Megalesia; tristes
Personam, thyrsumque tenent, et subligar Acci.

[1] Hæc et sequentia ut minus a castis intelligenda, sic ab interpretibus minime intellecta videntur. Omnes quos unquam vidi, Codd. ita se habent.

——— "*Appula gannit*
Sicut in amplexu; subitum, et miserabile longum:
Attendit Thymele.

Quid sibi vult hæc lectio, me omnino latere fateor; sin vero nobiscum legas, tribus illis verbis parenthesi inclusis, invenies planam quidem (licet castiore musa indignam) sententiam.

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At Bath and Tunbridge let her be;
If there she's chaste, I will agree.
And will the country yield no slanders?
Is all our army gone to Flanders?[1]
  Can the full Mall[2] afford a Spouse,
Or boxes, worthy of your vows?
While some soft dance Bathyllus dances,
Can Tuccy regulate her glances?
Appula chuckles, and poor Thomyly
Gapes, like a matron at a homily.
  But others, when the house is shut up,
Nor play-bills By Desire,[3] are put up;
When players cease,[4] and lawyer rises
To harangue jury at assizes;
When drolls at Barthol'mew begin,
A feast day after that of Trin'.

[1] As the patron of these gentlemen is mentioned in the original, we thought his votaries might be pleased with being inserted in the imitation.

[2] The portico's in the original; where both sexes used to assemble.

[3] A constant puff at the head of our play-bills; designed to allure persons to the house, who go thither more for the sake of the company than of the play; but which has proved so often fallacious (plays having been acted *at the particular desire of several ladies of quality, when there hath not been a single lady of quality in the house*) that at present it hath very little signification.

[4] Viz. in the vacation. In the original, As the Megalesian festival is so long distant from the plebeian. The latter being celebrated in the calends of December, the former in the nones of April.

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Urbicus exodio risum movet Attellanæ
Gestibus Autonoes; hunc diligit Ælia pauper.
Solvitur his magno comœdi fibula; sunt quæ
Chrysogonum cantare vetent; Hispulla tragœdo
Gaudet; an expectas, ut Quintilianus ametur?
Accipis uxorem, de qua citharœdus Echion
Aut Glaphyrus fiat pater, Ambrosiusve choraules.
Longa per angustos figamus pulpita vicos:
Ornentur postes, et grandi janua lauro,
Ut testudineo tibi, Lentule, conopeo
Nobilis Euryalum mirmillonem exprimat infans.
Nupta senatori comitata est Hippia ludium.[1]

[1] Salmas. ludum mavult, et hoc pro ludio, ut regna pro regibus, positum censet: sed synæresis hæc frequenter occurrit apud poetas. Sic τὸ omnia apud Virgilium dissyllabum est.

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Others, I say, themselves turn players,
With Clive and Woffington's gay airs;
Paint their fair faces out like witches,
And cram their thighs in Fle—w—d's breeches.
  Italian measures while Fausan
Moved, what a laugh thro' gall'ry ran?
Poor Ælia languishes in vain;
Fausan is bought with greater gain.
  Others make B—rd their wiser choice,
And wish to spoil his charming voice.
Hispulla sighs for Buskin's wit,
Could she love Lyt——n or P——t?
  Choose you a wife, whom the blind harper,
Or any fiddler else, or sharper,
Fine rivals! might with ease enjoy,
And make thee father of a boy?
  Come then, prepare the nuptial feast,
Adorn the board, invite the guest;
That madam may, in time, be big,
And bring an heir resembling Fig.[1]
Hippia,[2] to Parl'ment man was wed,
But left him for a fencer's bed:

[1] A celebrated prize fighter.

[2] She was wife to Fabricius Vejento, a noble rich Roman, who was infamous for his luxury and pride. This last quality was so eminent in him, that he scorned to salute any almost of his fellow citizens; for which he is lashed by our poet, Sat. III. v. 185. He is likewise introduced in the fourth satire. His wife Hippia ran away to Egypt with the gladiator Sergius.

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Ad Pharon et Nilum, famosaque mœnia Lagi;
Prodigia, et mores urbis damnante Canopo.[1]
Immemor illa domus, et conjugis, atque sororis,
Nil patriæ indulsit; plorantesque improba gnatos,
Utque magis stupeas, ludos, Paridemque reliquit.
Sed quanquam in magnis opibus, plumaque paterna,
Et segmentatis dormisset parvula cunis,
Contempsit pelagus; famam contempserat olim,
Cujus apud molles minima est jactura cathedras.
Tyrrhenos igitur fluctus, lateque sonantem
Pertulit Ionium constanti pectore, quamvis
Mutandum toties esset mare. Justa pericli
Si ratio est, et honesta, timent; pavidoque gelantur
Pectore, nec tremulis possunt insistere plantis:
Fortem animum præstant rebus, quas turpiter audent
Si jubeat conjux, durum est conscendere navim;

[1] Urbs erat Ægyptiaca ad ostium Nili, sed hic pro tota Ægypto usurpatur. Hujus populi mores tam apud Græcos quam Romanos maxime infames fuere, adeo ut *'αιγυπτιαστὶ* perinde valeat ac turpiter. His duobus versibus nihil acerbius esse potest.

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With him she went to some plantation,
Which damn'd the morals of our nation;
Forgetful of her house and sister,
And spouse and country too, which miss'd her:
Her brawling brats ne'er touch'd her mind;
Nay more, young C—r's[1] left behind.
Nor was this nymph bred up to pattins,
But swaddled soft in silks and satins;
Yet she despised the sea's loud roar;
Her fame she had despised before:
For that's a jewel, in reality,
Of little value 'mongst the quality.[2]
Nor Bay of Biscay raised her fears,
Nor all the Spanish privateers.
But should a just occasion call
To danger, how the charmers squall!
Cold are their breasts as addled eggs,
Nor can they stand upon their legs,
More than an infant that is rickety;
But they are stronger in iniquity.
Should spouse decoy them to a ship,
Good heavens! how they'd have the hip!

[1] In the original Paris, a player of whom Domitian was so fond, that our author was banished for his abusing him. He afterwards was put to death for an amour with the empress.

[2] We have inserted this rather to stick as close to the original as possible, than from any conceit that it is justly applicable to our own people of fashion.

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Tunc sentina gravis; tunc summus vertitur aer.
Quæ mœchum sequitur, stomacho valet: illa maritum
Convomit: hæc inter nautas et prandet, et errat
Per puppim, et duros gaudet tractare rudentes.
Qua tamen exarsit forma? qua capta juventa
Hippia? Quid vidit, propter quod ludia dici
Sustinuit? nam Sergiolus [1] jam radere guttur
Cœperat, et secto requiem sperare lacerto.[2]
Præterea multa in facie deformia; sicut
Attritus galea, medijsque in naribus ingens
Gibbus; et acre malum semper stillantis ocelli.
Sed gladiator erat; facit hoc illos Hyacinthos:
Hoc pueris, patriæque, hoc prætulit illa sorori,
Atque viro: ferrum est, quod amant: hic Sergius idem
Accepta rude, cœpisset Veiento videri.

[1] Diminutivo blandulo quam facete utitur poeta!

[2] Missionem impetrabant gladiatores, Brachio, vel aliquo alio membro mutilato. Vide ut Sergii laudes enumeret noster; eum nempe formæ decorem, propter quem Hippia, famæ fuæ oblita, ludia dici sustinuit. Senex erat, mutilatus, et forma turpissima. Hæc omnia munere suo gladiatorio compensavit.

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"'Tis hard to clamber up the sides;
O filthy hold! and when she rides,
It turns one's head quite topsy-turvy,
And makes one sicker than the scurvy."
Her husband is the nauseous physic,
With her gallant she's never sea-sick.
To dine with sailors then she's able,
And even bears a hand to cable.
But say, what youth or beauty warm'd thee,
What, Hippia, in thy lover charm'd thee?
For little Sergy, like a goat,
Was bearded down from eyes to throat:
Already had he done his best;
Fit for an hospital, and rest.[1]
His face wore many a deformity,
Upon his nose a great enormity.
His eyes distill'd a constant stream;
In matter not unlike to cream.
But he was still of the bear-garden,
Hence her affection fond he shared in:
This did, beyond her children, move;
Dearer than spouse or country prove;
In short, 'tis iron which they love.
Dismiss this Sergius from the stage;
Her husband could not less engage.

[1] The gladiators, when they were maimed, received their dismission; as a token of which a wand was presented to them. Sergius had not, however, yet obtained this favour; our poet hints only that he was entitled to it.

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Quid privata domus, quid fecerit Hippia, curas?
Respice rivales Divorum: Claudius audi
Quæ tulerit: dormire virum cum senserat uxor,
(Ausa Palatino tegetem præferre cubili,
Sumere nocturnos meretrix Augusta cucullos,)
Linquebat, comite ancilla non amplius una;
Et nigrum flavo crinem abscondente galero,
Intravit calidum veteri centone lupanar,
Et cellam vacuam, atque suam: tunc nuda papillis
Constitit auratis, titulum mentita Lyciscæ,
Ostenditque tuum, generose Britannice, ventrem.
Excepit blanda intrantes, atque æra poposcit.

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But say you, if each private family
Doth not produce a perfect Pamela;
Must every female bear the blame
Of one low, private, strumpet's shame?
See then a dignified example,
And take from higher life a sample;
How horns have sprouted on heads royal,
And Harry's wife[1] hath been disloyal.
When she perceived her husband snoring,
Th' imperial strumpet went a whoring:
Daring with private rakes to solace,
She preferr'd Ch-rl-s Street to the Palace:
Went with a single maid of honour,
And with a capuchin upon her,
Which hid her black and lovely hairs;
At H———d's[2] softly stole up stairs:
There at receipt of custom sitting,
She boldly call'd herself the Kitten;[3]
Smiled, and pretended to be needy,
And ask'd men to *come down the ready*.[4]

[1] This may be, perhaps, a little applicable to one of Henry VIII.'s wives.

[2] A useful woman in the parish of Covent Garden.

[3] A young lady of pleasure.

[4] This is a phrase by which loose women demand money of their gallants.

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Mox, lenone suas jam dimittente puellas,
Tristis abit; sed, quod potuit, tamen ultima cellam
Clausit, adhuc ardens rigidæ tentigine vulvæ;
Et lassata viris, nondum satiata recessit:
Obscurisque genis turpis, fumoque lucernæ
Fœda, lupanaris tulit ad pulvinar odorem.
Hippomanes, carmenque loquar, coctumque venenum,
Privignoque datum? faciunt graviora coactæ
Imperio sexus, minimumque libidine peccant.
  Optima sed quare Cesennia teste marito?
Bis quingenta dedit; tanti vocat ille pudicam:
Nec Veneris pharetris macer est; aut lampade fervet:
Inde faces ardent; veniunt a dote sagittæ.
Libertas emitur: coram licet innuat, atque
Rescribat; vidua est, locuples quæ nupsit avaro.
  Cur desiderio Bibulæ Sertorius ardet?
Si verum excutias, facies, non uxor amatur.

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But when for fear[1] of justice' warrants,
The bawd dismiss'd her whores on errands,
She stayed the last —— then went, they say,
Unsatisfied, tho' tired, away.
Why should I mention all their magic
Poison, and other stories tragic?
Their appetites are all such rash ones,
Lust is the least of all their passions.
Cesennia's husband call, you cry,
He lauds her virtues to the sky.
She brought him twice ten thousand pounds,
With all *that* merit she abounds.
Venus ne'er shot at him an arrow,
Her fortune darted through his marrow:
She bought her freedom, and before him
May wink, forgetful of decorum,
And lovers billets-doux may answer:
For he who marries wives for gain, sir,
A widow's privilege must grant 'em,
And suffer captains to gallant 'em.
But Bibula doth Sertorius move:
I'm sure he married her for love.
Love I agree was in the case;
Not of the woman, but her face.

[1] In Rome, the keepers of evil houses used to dismiss their girls at midnight; at which time those who follow the same trade in this city first light up their candles.

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Fiant obscuri dentes, oculique minores;
Collige sarcinulas, dicet libertus,[1] et exi;
Jam gravis es nobis, et sæpe emungeris; exi
Ocyus, et propera; sicco venit altera naso.
Interea calet, et regnat, poscitque maritum
Pastores, et ovem Canusinam, ulmosque Falernas.
Quantulum in hoc? pueros omnes, ergastula tota,

[1] Sensus hujus loci non subolet interpretibus. Divitem maritum e libertino genere hic ostendi volunt: cum poeta plane servum manumissum, vel primi ordinis servum intendit: quem nos anglice, *the gentleman*, *the steward*, *&c.*, nominamus.

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Let but one wrinkle spoil her forehead;
Or should she chance to have a sore head;
Her skin grow flabby, or teeth blacken,
She quickly would be sent a packing.
"Be gone!"—(the gentleman [1] would cry)
"Are those d—n'd nostrils never dry?
Defend me, Heaven, from a strumpet,
Who 's always playing on a trumpet."
But while her beauteous youth remains,
With power most absolute she reigns.
Now rarities she wants; no matter
What price they cost—they please the better.
Italian vines, and Spanish sheep.[2]
But these are trifles—you must keep
An equipage of six stout fellows;[3]
Of no use to 'em, as they tell us,

[1] That is, her husband's gentleman. The commentators have wretchedly blundered here, in their interpretation of the Latin.

[2] In the original, Falernian vines and Canusian sheep: for Falernia produced the most delicious wine, and the sheep which came from Canusium, a town or village of Apulia, the finest wool. I know not whether either of the instances by which I have attempted to modernise this passage be at present in fashion, but if they are not, it is probable the only reason is, that we forget Italian vines, as they would require the assistance of artificial heat; and Spanish sheep, as they are to be fetched a great way by sea, would be extremely expensive, and consequently well worth our having.

[3] The Latin hath it—All the fellows in the workhouse: but this is an instance that our luxury is not yet so extravagant as that of the Romans was in Juvenal's days.

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Quodq ; domi non est, et habet vicinus, ematur.
Mense quidem brumæ, cum jam mercator Iason
Clausus, et armatis obstat casa candida nautis,
Grandia tolluntur crystallina, maxima rursus
Myrrhina, deinde adamas notissimus, et Berenices
In digito factus pretiosior : hunc dedit olim
Barbarus incestæ ; dedit hunc Agrippa sorori ;[1]
Observant ubi festa mero pede sabbata reges,
Et vetus indulget senibus clementia porcis.
Nullane de tantis gregibus[2] tibi digna videtur?
Sit formosa, decens, dives, fœcunda, vetustos
Porticibus disponat avos, intactior omni
Crinibus effusis bellum dirimente Sabina :
(Rara avis in terris, nigroque simillima cygno.)
Quis feret uxorem, cui constant omnia? malo,
Malo Venusinam, quam te, Cornelia,[3] mater
Gracchorum, si cum magnis virtutibus affers
Grande supercilium, et numeras in dote triumphos.

[1] Repetitionem hujus vocis *dedit* sunt qui conantur abjicere, licet elegantissimam ; ideoque interpretum gustui minus gratam.

[2] Ambiguitatem qua greges refert tam ad mulieres quam ad porcos miratur lubinus, et queritur quod ab aliis non animadvertatur. Sed nescio annon inurbanus potius quam argutus hic dicendus sit poeta.

[3] Scipionis Africani filia, Cornelio Graccho nupta, et Caii et Tiberii mater, hic maximæ laudis, non vituperationis causa, memorata.

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Unless to walk before their chairs,
When they go out to show their airs.
However liberal your grants,
Still what her neighbour hath she wants;
Even Pitt's precious diamond—that
Which Lewis Fifteen wears in 's hat;
Or what Agrippa gave his sister.[1]
Incestuous bride! for which he kiss'd her.
(Sure with less sin a Jew might dine,
If hungry, on a herd of swine.)
But of this herd, I mean of women,
Will not an individual do, man?
No, none my soul can e'er inflame,
But the rich, decent, lovely dame:
Her womb with fruitfulness attended;
Of a good ancient house descended:
A virgin too, untouch'd, and chaste,
Whom man ne'er took about the waist.
She's a rare bird! find her who can,
And much resembling a black swan.
But who could bear a wife's great merit,
Who doth such qualities inherit?
I would prefer some country girl
To the proud daughter of an earl;
If my repose must still be hind'red
With the great actions of her kindred.

[1] Berenice.

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Tolle tuum, precor, Hannibalem, victumque Syphacem
In castris, et cum tota Carthagine migra.

Parce, precor, Pæan; et tu, Dea, pone sagittas;
Nil pueri faciunt; ipsam configite matrem;
Amphion clamat: sed Pæan contrahit arcum.
Extulit ergo gregem natorum, ipsumque parentem,
Dum sibi nobilior Latonæ gente videtur,
Atque eadem scrofa Niobe fœcundior alba.
Quæ tanti gravitas? quæ forma, ut se tibi semper
Imputet? hujus enim rari, summique voluptas
Nulla boni, quoties animo corrupta superbo
Plus aloes, quam mellis, habet. Quis deditus autem

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Go to the devil, should I say,
With the West Indies ta'en—away.[1]
"Hold, Pæan, hold! thou goddess, spare
My children," was Amphion's prayer.
"They have done nought to forfeit life;
O shoot your arrows at my wife."
His prayer nor god nor goddess heard,
Nor child, nor ev'n the mother spared.
For why, the vixen proudly boasted,[2]
More than Latona she was toasted;
And had been oft'ner in the straw,
Than the white sow[3] Æneas saw.
But say, though Nature should be lavish,
Can any mien or beauty ravish,
Whose mind is nothing but inanity,
Mere bladder blown with wind of vanity?
Trust, if for such you give your money,
You buy more vinegar than honey.

[1] Juvenal here mentions Cornelia, the daughter of Scipio Africanus, wife of Cornelius Gracchus, and mother of the Gracchi, Caius and Tiberius. The beauty of the original here is inimitable.

[2] Our poet here alludes to the story of Niobe, wife of Amphion, king of Thebes, who affronted Latona, in preferring her own fruitfulness to that of the goddess; for which reason Apollo and Diana destroyed all her children; the number of which authors report variously.

[3] Which produced thirty pigs at a litter.

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Usque adeo est, ut non illam, quam laudibus effert,
Horreat? inque diem septenis oderit horis?
Quædam parva quidem; sed non toleranda maritis.
Nam quid rancidius, quam quod se non putat ulla
Formosam, nisi quæ de Thusca Græcula facta est?
De Sulmonensi mera Cecropis omnia Græce;
Cum sit turpe minus nostris nescire Latine.
Hoc sermone pavent; hoc iram, gaudia, curas,
Hoc cuncta effundunt animi secreta. Quid ultra?
Concumbunt Græce, dones tamen ista puellis:
Tune etiam, quam sextus et octogesimus annus
Pulsat, adhuc Græce? non est hic sermo pudicus
In vetula, quoties lascivum intervenit illud,
ΖΩΗ ΚΑΙ ΨΥΧΗ, modo, sub lodice relectis
Uteris in turba, quod enim non excitat inguen
Vox blanda et nequam? digitos habet: ut tamen omnes
Subsidant pennæ: dicas hæc mollius Æmo
Quamquam, et Carpophoro; facies tua computat annos.

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Who is there such a slave in Nature,
That while he praises would not hate her?
  Some smaller crimes, which seem scarce nominable,
Are yet to husbands most abominable:
For what so fulsome—if it were new t' ye,
That no one thinks herself a beauty,
Till Frenchified[1] from head to foot,
A mere Parisian dame throughout.
She spells not English, who will blame her?
But French not understood would shame her.
  This language 'tis in which they tremble,
Quarrel, are happy, and dissemble;
Tell secrets to some other Miss;
What more?—'tis this in which they kiss.
  But if to girls we grant this leave;
You, Madam, whom fast by your sleeve
Old age hath got—must you still stammer
Soft phrases out of Bowyer's grammar?
Mon ame, mon Mignon! how it comes
Most graceful from your toothless gums
Tho' softer spoke than by Lord Fanny,
Can that old face be liked by any?

[1] The Romans were (if I may be allowed such a word) Greecified, at this time, in the same manner as we are Frenchified.

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Si tibi legitimis pactam, junctamque tabellis
Non es amaturus, ducendi nulla videtur
Causa; nec est quare cœnam et mustacea perdas,
Labente officio, crudis donanda, nec illud,
Quod prima pro nocte [1] datur; cum lance beata
Dacicus, et scripto radiat Germanicus auro.
Si tibi simplicitas uxoria, deditus uni
Est animus; submitte caput cervice parata
Ferre jugum: nullam invenies, quæ parcat amanti.
Ardeat ipsa licet, tormentis gaudet amantis,
Et spoliis, igitur longe minus utilis illi
Uxor, quisquis erit bonus, optandusque maritus.
Nil unquam invita donabis conjuge: vendes
Hac obstante nihil: nihil, hæc si nolit, emetur.
Hæc dabit affectus: ille excludetur amicus
Jam senior, cujus barbam tua janua vidit.
Testandi cum sit lenonibus, atque lanistis
Libertas, et juris idem contingat arenæ,
Non unus tibi rivalis dictabitur hæres.
Pone crucem servo: meruit quo crimine servus
Supplicium? quis testis adest? quis detulit? audi:

[1] Mos erat præmium aliquod novæ nuptæ donandi, quasi virginitatis depositæ pretium: Hæc est autem hujus loci vis. *Si non amaturus es nuptam quam ducis, ne nox prima quidem grata erit; quam solam in matrimonio jucundam esse expectare debes.*

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If love be not your cause of wedding,
There is no other for your bedding:
All the expense of wedding-day
Would then, my friend, be thrown away.
If, on the contrary, you dote,
And are of the uxorious note,
For heavy yoke your neck prepare;
None will the tender husband spare:
E'en when they love they will discover
Joys in the torments of a lover:
The hope to govern them by kindness
Argues, my friend, a total blindness.
For wives most useless ever prove
To those most worthy of their love.
Before you give, or sell, or buy,
She must be courted to comply:
She points new friendships out—and straight
'Gainst old acquaintance shuts your gate.
The privilege which at their birth
Our laws bequeath the scum o' th' earth,
Of making wills, to you 's denied;
You for her fav'rites must provide;
Those your sole heirs creating, who
Have labour'd to make heirs for you.
Now come, sir, take your horsewhip down,
And lash your footman there, Tom Brown.
What hath Tom done? or who accuses him?
Perhaps some rascal, who abuses him.

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Nulla unquam de morte hominis cunctatio longa est,
O demens, ita servus homo est? nil fecerit, esto:
Hoc volo, sic jubeo, sit pro ratione voluntas.
Imperat ergo viro: sed mox hæc regna relinquit,
Permutatque domos, et flammea conterit: inde
Avolat, et spreti repetit vestigia lecti;
Ornatas paulo ante fores, pendentia linquit
Vela domus, et adhuc virides in limine ramos.
Sic crescit numerus; sic fiunt octo mariti [1]
Quinque per autumnos: titulo res digna sepulchri.
Desperanda tibi salva concordia socru:
Illa docet spoliis nudi gaudere mariti:
Illa docet, missis a corruptore tabellis,
Nil rude, nil simplex rescribere: decipit illa
Custodes, aut ære domat: tunc corpore sano
Advocat Archigenem, onerosaque pallia jactat.
Abditus interea latet accersitus adulter,
Impatiensque moræ silet, et præputia ducit.

[1] Quot nempe a lege permissi sunt. Nam prohibitum erat mulieribus, pluribus quam octo maritis nubere, cum hunc numerum ergo minime liceret transire, necessitate coacta uxor ab octavo marito redit iterum ad primum.

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Let us examine first—and then—
'Tis ne'er too late to punish men.
Men! Do you call this abject creature
A man? He's scarce of human nature.[1]
What hath he done?—no matter what—
If nothing—lash him well for that:
My will is a sufficient reason
To constitute a servant's treason.
  Thus she commands: but straight she leaves
This slave, and to another cleaves;
Thence to a third and fourth, and then
Returns, perhaps, to you again.
Thus in the space of seven short years
Possessing half a score of dears.
  Be sure, no quiet can arrive
To you while her mamma's alive:
She'll teach her how to cheat her spouse,
To pick his pocket, strip his house:
Answers to love-letters indite,
And make her daughter's style polite.
With cunning she 'll deceive your spies,
Or bribe with money to tell lies.
  Then, tho' health swells her daughter's pulse,
She sends for Wasey, Hoadley, Hulse.
So she pretends,—but in their room,
Lo, the adulterer is come.

[1] The Romans derived from the Greeks an opinion, that their slaves were of a species inferior to themselves. As such a sentiment is inconsistent with the temper of Christianity, this passage loses much of its force by being modernised.

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Scilicet expectas, ut tradat mater honestos,
Aut alios mores, quam quos habet? utile porro
Filiolam turpi vetulæ producere turpem.

Nulla fere causa est, in qua non fœmina litem
Moverit. Accusat Manilia, si rea non est.[1]
Componunt ipsæ per se, formantque libellos,
Principium atque locos Celso dictare paratæ.

Endromidas Tyrias, et fœmineum ceroma
Quis nescit? vel quis non vidit vulnera pali?
Quem cavat assiduis sudibus, scutoque lacessit,
Atque omnes implet numeros; dignissima prorsus
Florali matrona tuba;[2] nisi si quid in illo
Pectore plus agitet, veræque paratur arenæ.
Quem præstare potest mulier galeata pudorem?
Quæ fugit a sexu, vires amat;[3] hæc tamen ipsa
Vir nollet fieri; nam quantula nostra voluptas?
Quale decus rerum, si conjugis auctio fiat,

[1] Accusator et reus eandem habent quam in lege nostra querens et defendens, significationem.

[2] Tuba ad impudicos ludos vocante. Hos a Flora meretrice quadam in honorem Floræ Deæ institutos docet Ovid fast: acerbius quidem hoc in matronas a poeta dictum.

[3] Ita prorsus legendum existimo, finita interrogatione ad vocem pudorem? sensus tum erit. *Quamquam amat* vires *mulier quæ fugit a sexu, tamen omnino* vir *fieri nolit, quia, &c.*—Multo elegantior ita fiet sententia. Alii legunt *Quæ fugita sexu et vires amat.*—Sed minus recte.

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Do you expect, you simple elf,
That she who hath them not herself
Should teach good manners to your lady,
And not debauch her for the ready?
  In courts of justice what transactions?
Manilia's never without actions:
No forms of litigation 'scape her,
In special pleading next to Dr-per.
  Have you not heard of fighting females,
Whom you would rather think to be males?
Of Madam Sutton, Mrs. Stokes,
Who give confounded cuts and strokes?
They fight the weapons through complete,
Worthy to ride along the street.[1]
  Can female modesty so rage,
To draw a sword, and mount the stage?
Will they their sex entirely quit?
No, they have not so little wit:
Better they know how small our shares
Of pleasure—how much less than theirs.
  But should your wife by auction sell,
(You know the modern fashion well)

[1] Prize-fighters, on the day of battle, ride through the streets with a trumpet before them.

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Balteus, et manicæ, et cristæ, crurisque sinistri
Dimidium tegmen! vel si diversa movebit
Prælia, tu felix, ocreas vendente puella.
Hæ sunt, quæ tenui sudant in cyclade, quarum
Delicias et panniculus bombycinus urit.
Aspice, quo fremitu monstratos perferat ictus,
Et quanto galeæ curvetur pondere; quanta
Poplitibus sedeat; quam denso fascia libro:
Et ride, scaphium positis cum sumitur armis.
Dicite vos neptes Lepidi, cæcive Metelli,
Gurgitis aut Fabii, quæ ludia sumpserit unquam
Hos habitus? quando ad palum gemat uxor Asylli?

Semper habet lites, alternaque jurgia lectus,
In quo nupta jacet: minimum dormitur in illo.
Tunc gravis illa viro, tunc orba tigride pejor,
Cum simulat gemitus occulti conscia facti,
Aut odit pueros, aut ficta pellice plorat
Uberibus semper lachrymis, semperque paratis

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Should Cock aloft his pulpit mount,
And all her furniture recount,
Sure you would scarce abstain from oaths,
To hear, among your lady's clothes,
Of those superb fine horseman's suits,
And those magnificent jack-boots.
  And yet, as often as they please,
Nothing is tenderer than these.
A coach!—O gad! they cannot bear
Such jolting!—John, go fetch a chair.
Yet see through Hyde Park how they ride!
How masculine! almost astride!
Their hats fierce cock'd up with cockades,
Resembling dragoons more than maids.
  Knew our great-grandmothers these follies?
Daughters of Hampden, Baynton, Hollis?[1]
More modesty they surely had,
Decently ambling on a pad.
  Sleep never shows his drowsy head
Within the reach of marriage-bed:
The wife thence frightens him with scolding.
—Then chiefly the attack she's bold in,
When, to conceal her own amours,
She falls most artfully on yours:
Pretends a jealousy of some lady,
With tears in plenty always ready;

[1] These, according to Sidney, are some of the best families in England, and superior to many of our modern nobility.

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In statione sua, atque expectantibus illam,
Quo jubeat manare modo: tu credis amorem;
Tu tibi tunc, curruca, places, fletumque labellis
Exorbes; quæ scripta, et quas lecture tabellas
Si tibi zelotypæ retegantur scrinia mœchæ!
Sed jacet in servi complexibus, aut equitis: dic,
Dic aliquem, sodes hic, Quintiliane, colorem.
Hæremus: dic ipsa: olim convenerat, inquit,
Ut faceres tu quod velles, necnon ego possem
Indulgere mihi: clames licet, et mare cœlo
Confundas,[1] homo sum. Nihil est audacius illis
Deprensis: iram atque animos a crimine sumunt.
Unde hæc monstra tamen, vel quo de fonte requiris?
Præstabat castas humilis fortuna Latinas
Quondam, nec vitiis contingi parva sinebat

[1] Exclamando scilicet, ut apud terentium, O Cœlum! O Terra! O Maria!

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Which on their post true sent'nels stand,
The word still waiting of command,
How she shall order them to trickle.
—Thou thinkest love her soul doth tickle.
Poor hedge-sparrow—with fifty dears,
Lickest up her fallacious tears.
Search her scrutoire, man, and then tell us
Who hath most reason to be jealous.
But, in the very fact she's taken;
Now let us hear, to save her bacon,
What Murray, or what Henley can say;
Neither proof positive will gainsay:
It is against the rules of practice;
Nothing to her the naked fact is.
"You know" (she cries) "ere I consented
To be, what I have since repented,
It was agreed between us, you
Whatever best you liked should do;
Nor could I, after a long trial,
Persist myself in self-denial."
You at her impudence may wonder,
Invoke the lightning and the thunder:
"You are a man" (she cries) "'tis true;
We have our human frailties too."
Nought bold is like a woman caught,
They gather courage from the fault.
Whence come these prodigies? what fountain,
You ask, produces them? I' th' mountain
The British dames were chaste, no crimes
The cottage stain'd in elder times;

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Tecta labor, somnique breves, et vellere Thusco
Vexatæ, duræque manus, ac proximus urbi
Hannibal, et stantes Collina in turre mariti.
Nunc patimur longæ pacis mala: sævior armis
Luxuria incubuit, victumque ulciscitur orbem.[1]
Nullum crimen abest, facinusque libidinis, ex quo
Paupertas Romana perit: hinc fluxit ad istos
Et Sybaris colles, hinc et Rhodos, atque Miletos,
Atque coronatum, et petulans, madidumque Tarentum.
Prima peregrinos obscœna pecunia mores
Intulit, et turpi fregerunt secula luxu
Divitiæ molles.——

[1] Eximiæ sunt hi versus notæ, et vix satis laudandi.

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When the laborious wife slept little,
Spun wool, and boil'd her husband's kettle;
When the Armada frighten'd Kent,
And good Queen Bessy pitch'd her tent.
Now from security we feel
More ills than threaten'd us from steel;
Severer luxury abounds,
Avenging France of all her wounds.
When our old British plainness left us,
Of every virtue it bereft us:
And we 've imported from all climes,
All sorts of wickedness and crimes:
French finery, Italian meats,
With German drunkenness, Dutch cheats.
Money 's the source of all our woes;
Money! whence luxury o'erflows,
And in a torrent, like the Nile,
Bears off the virtues of this isle.

We shall here close our translation of this satire; for as the remainder is in many places too obscene for chaste ears; so, to the honour of the English ladies, the Latin is by no means applicable to them, nor indeed capable of being modernised.

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TO MISS H——AND AT BATH.

WRITTEN EXTEMPORE IN THE PUMP-ROOM, 1742.

SOON shall these bounteous springs thy wish bestow,
Soon in each feature sprightly health shall glow;
Thy eyes regain their fire, thy limbs their grace,
And roses join the lilies in thy face.
But say, sweet maid, what waters can remove
The pangs of cold despair, of hopeless love?
The deadly star which lights th' autumnal skies
Shines not so bright, so fatal, as those eyes.
The pains which from their influence we endure,
Not Brewster, glory of his art, can cure.

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